Vol. CV No. 13 July 7, 1978 75 cents

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JAMES D. TRACY ST. PAUL'S 'AFFECTIONAL PREFERENCE' VOTE
FRANK GETLEIN HOLY RUSSIA RISES IN VERMONT
MARGO HAMMOND ABORTION IN ITALY
ABIGAIL McCARTHY LAITY AND CHURCH
COLIN L. WESTERBECK, JR. ON THE

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NEWS & VIEWS

True or False?

What really happened between John Foster Dulles and Chou En-lai at the 1954 Geneva Conference?

According to the Nixon memoirs, *RN*, the Chinese prime minister was deeply insulted by Dulles's refusal to shake hands with him, and the hurt was left for Mr. Nixon to correct on his visit to China years later.

P. Chen of Scarsdale (otherwise unidentified) offers a different tale of the Geneva incident in a letter to the *New York Times*.

According to Chen, Dulles and Chou did indeed shake hands. However, Dulles immediately took out a handkerchief, wiped his hands, and put it back into his pocket. Unruffled by the intended insult, Chou is reported to have also taken out a handkerchief. He wiped his hands and discarded the handkerchief into a wastebasket.

Feast and Famine

What has the ordination of women done to American Protestantism? Along with other factors, including a continued decline in church membership, it has created an oversupply of clergy.

"It is the same kind of phenomenon that is currently also distressing the law profession and other professional fields where women are coming increasingly into the applicant labor pools," according to a study funded by a Lilly Endowment grant.

Furthermore, said the report, women clergy are increasing "in the church groups least likely to need new ordinands of either sex."

The report was presented by Jackson W. Carroll of the Hartford Seminary Foundation and Robert L. Wilson of Duke University Divinity School.

It found the greatest oversupply of clergy in the Episcopal Church, the United Church of Christ, the United Methodist Church, the Presbyterian Church in the U.S. (Southern), and the United Presbyterian Church.

Indeed, said the report, if current trends continue, "there will be an Episcopal priest for every lay member of that denomination in the year 2004."

No comparable luxury of clergy exists, of course, in American Catholicism. The Archdiocese of San Antonio is the latest to report itself in a tight bind.

"Catholic population in San Antonio has risen over 30 percent in the last 18 years," Father Thomas Flanagan reported to an archdiocesan Clergy Conference, "while the number of clergy available to staff all the parishes and apostolates of the archdiocese has dropped by over 20 percent."

"The priest crisis isn't coming," he declared. "It's here already."

Flanagan noted that only two men will be ordained locally in 1979 and two in 1980. The need, he commented, is for at least seven to 10 priests each year.

Catching Up With . . .

George Mische, one of the Catonsville 9. . . .

He runs a tavern with his wife in St. Cloud, Minn., and was recently elected to the City Council there.

The *Washington Post* sought him out and found him "clean shaven and his hair neatly trimmed."

"He eschews the label 'Catholic left,'" remarked the *Post*. But this he did back when he was helping the Berrigans napalm draftboard files as a protest against the Vietnam war.

"I'm one of the most conservative guys I know," Mische told the *Post*. "I've clearly said I'm against abortion all along, for example. I'm a progressive conservative."

What has changed, he said, is the country and the way it can be changed.

"I think the key right now is local government, grass roots."

The Changing Scene

Gone in less than a month's time are three leading figures of a generation of neo-Thomists and intimate disciples of the French philosopher and diplomat, Jacques Maritain.

Dead are:

—Anton Charles Pegis, 72, author, editor and longtime president of the Pontifical Institute of Medieval Studies in Toronto. May 13, in Toronto.

—Robert C. Pollock, 77, former professor of philosophy at Fordham University Graduate School and Fulbright Professor at the Sturzo Institute in Rome. May 30, in New York.

—William J. O'Meara, 71, for more than 30 years a member of the philosophy department at the University of Chicago, an authority on Duns Scotus, and once a contributing editor of *Commonweal*. June 3, while visiting in Toronto.

Today's Quiz: Who's the guy with the bombs on his tie? Wouldn't ya guess. Zbigniew Brzezinski.

No Comment Dept.

Monday, June 5, 1978 . . .

"VATICAN CITY (RNS)—In a front-page editorial, the Vatican's daily newspaper, *L'Osservatore Romano*, decried what it said was a lack of interest in the United Nations' current Special Session on Disarmament.

"Beneath a headline which said 'For the Future of Mankind Disarmament Is Urgent,' the editorial criticized the fact that the World Soccer Cup championship games in Argentina were receiving more news space than the disarmament conference of the UN General Assembly in New York. . . ."

* * *

Tuesday, June 6, 1978 . . .

"ROME (RNS)—Three hundred and fifty-six color televisions sets inside Vatican City collected an enthusiastic crowd of priests and prelates to follow the World Cup soccer matches in Argentina. . . .

"In these weeks of feverish interest and excitement that grip the rest of Italy, even priests, bishops and cardinals have been infected. . . ."

Odds and Ends

—Irish pastorates, like Irish marriages, are long in the delay. Irish priests are appointed pastor on a seniority basis, and usually for life, which means that the vast majority of clergy serve as curates until they reach their 50s and 60s. Worse than New York even, in the glut days of supply. Ireland's National Conference of Priests would change the situation by abolishment of the seniority system, fixed pastorate tenures, and compulsory retirement at 75.

—News stories reveal that San Diego evangelist Morris Cerullo claims "a mutual first-name relationship with God." To God, Cerullo is plain old "Morris." To Cerullo, God is. . . . Hey, the stories don't tell us. Drat! What is God's first name anyhow?

JOHN DEEDY

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CORRESPONDENCE

Biblical Babel

Chicago, Ill.

To the Editors: John T. Noonan, Jr., suspects, [Mar. 31] on the basis of mail received in response to his criticisms of various NAB translations tha "there is a broad consensus of educated Catholics that the Lectionary will not do." It is good to know that the evidence does point to a broad rather than a narrow consensus. (Yes, one has been reading Edwin Newman.) I suspect that there are, indeed, many educated Catholics along with the rest who would agree with Dr. Noonan, all for fairly much the same reasons, some of which are sound and some simply wrong-headed.

I would not want to defend the NAB or any other Bible translation in its entirety. Translators can surely have a tin ear for the resonances of their mother tongue, as Ronald Knox (his own ear not always untinned) long ago pointed out in *The Trials of a Translator.* Like other modern versions, the NAB is in need of continual revision and will get it, and it is simply not true that "protest is useless if it is directed at the New American Bible as such." Banishing the NAB from the Lectionary meanwhile, as Noonan advocates, will solve nothing at all. Anyone who imagines that another existing English version could be substituted for it without provoking greater discontent than the NAB has been able to, does not know that version very well. Anyone who thinks that some ideal Lectionary text of the Bible can be produced for the American church without reliance on much the same resources responsible for the NAB, has an unreal idea about what is involved in Bible translation.

Dr. Noonan does, it seems, have in mind some kind of Platonically archetypical English Bible which the translator need simply let speak for itself. Who, may I ask, has decreed that the proper English of the *egeneto*

(*Continued on page 446*)

NEWS & VIEWS: 418 **CORRESPONDENCE:** 419
EDITORIAL: 419
ABORTION IN ITALY: *Margo Hammond* 420
WASHINGTON REPORT: *Holy Russia Rises in Vermont: Frank Getlein* 422
LAITY AND CHURCH: I: *Abigail McCarthy* 424
TEN YEARS LATER: *Charles E. Curran* 425
CONSENT WITHOUT ADVICE: *Peter Blum Kovler* 430
BEHIND ST. PAUL'S 'AFFECTIONAL PREFERENCE' VOTE: *James D. Tracy* 434
THE SCREEN: *Colin L. Westerbeck, Jr.* 436
VERSE: *Roy Scheele* 423; *John Fandel* 433
DOING POORLY AT DOING GOOD: *J. M. Cameron* 438
GUILT BY INNUENDO: *Philippa Strum* 441
BOOKS: *E. Harold Smith, Nancy Yanes-Hoffman* 443

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COMMONWEAL
232 MADISON AVE., NEW YORK, N.Y. 10016
Telephone: (212) MU 3-2042

A review of Public Affairs, Literature and the Arts. Second class postage paid at New York, N.Y. Printed in the USA and published bi-weekly by Commonweal Publishing Co. *Copyright © 1978 Commonweal Publishing Co., Inc.**—US and Canada: $18 a year. Foreign $20. Single copy 75c. Special two-year rate $32. Foreign $36.*

Commonweal is indexed in Reader's Guide to Periodical Literature, Catholic Periodical Index, Index of American Periodical Verse, and Book Review Digest. Microfilms from Vol. 1, 1924; to date available through University Microfilms; 300 N. Zeeb Road, Ann Arbor, Mich. 48106. Serials Data Program No.: ISSN 0010-3330.

A NEW CARTER?

Jimmy Carter is having his political troubles. None of them is huge, but taken together they add up to something. Once again he has had to back down on a much publicized proposal, this time putting off his target date for a tax cut and agreeing to pare it down. His relations with minority groups continue to deteriorate, with Jews over Israel, and with blacks, despite their important role in putting him in the White House; seven out of 19 blacks on the White House staff are in the process of leaving, some for higher-paying jobs, it is true, but others out of frustration with the Carter administration. Mr. Carter for some reason expected organized labor to follow the lead of big business and agree to a voluntary lid on wage increases, and he was reported to be mightily vexed when labor rejected his wage guidelines. "Disappointed" was given as a mild description of Mr. Carter's reaction to labor's rejection. Worse, this was only part of a pattern of growing coolness between labor, especially in the person of George Meany, and the President—this despite the fact that any Democratic presidential hopeful desperately needs labor's support to get out the vote and to vote itself, as George McGovern's catastrophic defeat testifies. Nor are the Republicans helping matters. In a most unlikely event, all 38 GOP members of the Senate unanimously signed a manifesto condemning Mr. Carter's conduct of foreign policy as a menace to the security of the nation. "In 15 short months of incoherence, inconsistency and ineptitude," the Republican senators said, "our foreign policy and national security objectives are confused and we are being challenged around the globe by Soviet arrogance." Mr. Carter is having enough trouble with Africa as it is; he did not need this torpedo into bipartisan foreign policy. And just to make matters worse, the authoritative International Institute for Strategic Studies said in its annual

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report that the Soviet Union was able to extend its influence in Africa and elsewhere in the developing world because the Western (read "United States") response to the Communist challenge was often uncertain—thus underlining the exact point made against Mr. Carter by many of his critics, Republican and otherwise.

The White House is not taking all this lying down, of course. President Carter's closest political advisers are urging him to get out of Washington and travel around the nation to bolster his sagging public image, and he has already started to take that advice. A new "tougher" image is needed, say Carter advisers, to counter the current impression of changeability and indecision. There will be "more vetoes, more hard negotiating than we've seen in the past," and the public is expected to react favorably to more direct action and positive statements by Mr. Carter. Thus the President had hardly finished pounding lumps on the nation's lawyers when he attacked organized medicine as the "major obstacle" to better health care in the U.S.—two unpopular targets. More significantly, Mr. Carter repeatedly assailed Cuba for the use of its army in conflicts abroad, and delivered his most forceful attack to date on the USSR for its role in Africa.

All in all, then, it looks as if we will soon have a new Carter image—that of a President much on the road, popping up here, there and everywhere, but above all a President who is tough-talking, firm and decisive. It remains to be seen if the formula will work. Meanwhile, the polls are full of bad news. According to the Gallup Poll, Democrats prefer Senator Edward M. Kennedy to Mr. Carter as their 1980 presidential nominee by 53 percent to 40. And according to the Harris/ABC Poll, 48 percent prefer Gerald Ford as President to 43 percent for Mr. Carter, while Ronald Reagan and Mr. Carter run neck and neck. Even in his own state of Georgia, only 38 percent of those polled feel that the President has lived up to their expectations. Small wonder that Mr. Carter is reported to be unsure as to whether or not he will run for a second term. Much can change between now and 1980, of course, but as things stand now, he may not have much of a choice.

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FROM ROME

ABORTION IN ITALY

"If men had babies, abortion would be a sacrament," shouted the Italian feminists in the early '70s when they first launched their battle for legalized abortions. Now nearly a decade later, abortion is no longer a crime in Italy. The Italian Parliament—where there is for the first time since 1947 a majority not subject to the religious outlook of the Christian Democrats—recently approved an abortion bill that allows women within the first three months of pregnancy to obtain a state-paid abortion.

The first abortion law was presented to the Italian Parliament in February 1973 by a Socialist Deputy. That same year Gigliola Pierobon, a militant of "Lotta Femminista" was brought to court accused of having an abortion. In June, sympathetic feminists began a nationwide campaign to support the young woman. Thousands of women—and men as well—signed affidavits that they, too, had had an abortion.

In September 1973 the CISA (Italian Center for Sterilization and Abortion), directed by Adele Faccio and Emma Bonino and federated to the Radical Party, began publicly to practice abortions in self-managed centers and organized courses for Italian gynecologists in specialized London clinics.

Mass arrests followed including a clamorous incident in January 1975 in Florence where 40 women were jailed after a CISA clinic was closed. Feminists held a series of street demonstrations in support of legalized abortion. Over 100,000 participated. In February 1976 the Radical Party collected over 700,000 signatures for a referendum aimed at abrogating the law that defined abortion as a crime. The referendum was set for May 1976.

Also in February 1976 the House of Deputies—probably pushed by the fear of the impending referendum—began discussing the abortion law. On April 2, however, the Christian Democrats, joined only by the neo-Fascist party (MSI), voted against the second article of the law destroying the Parliamentary compromise. The alliance with the "missini" put the Christian Democratic government in crisis. The Socialists called for anticipated elections and the dissolution of the Parliament postponed the abortion referendum.

The elections of June 20, 1976 have drastically altered the Parliamentary equilibrium. The laic forces have a comfortable majority in the House and a smaller, but adequate majority in the Senate. In January 1977 an abortion bill easily passed the House, but in July of that year, it was defeated—on a technical vote—in the Senate. Some members of the laic majority had obviously defected—the abortion issue now was used as a way to try to block the growing collaboration between

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the Communists (PCI) and the Christian Democrats (DC).

This year, however, the lay majority held together. The fear of the smaller parties of a DC-PCI entente has been, it seems, overcome by the dramatic turn of events of the past few months. Without a law, an abortion referendum would have been held in June—a campaign that would have placed a serious strain on the new five-party governmental coalition. The Christian Democrats—who naturally voted against the bill—did nothing to obstruct its passage. Even the Vatican, while deploring the law as a legalization of "homicide," does not at this time seem disposed to lead a campaign for its abrogation.

An abrogation referendum, it is generally believed, would merely result in a second defeat for the church after the sound beating it took in the 1974 divorce referendum. According to a poll published early this year in a Catholic magazine, *Il Regno*, 55 percent of Italians favor the depenalization of abortion (a figure that includes 33 percent of Christian Democratic voters). Eighty percent favor abortion, according to the poll, when the woman's health is in danger or there is a risk of malformation of the fetus and an impressive 83 percent when the pregnancy represents a danger to the woman's life.

Voting against the bill with the Christian Democrats were the MSI and the Radicals. Also actively opposing the bill was the Movimento per la Vita, the Italian Right to Life group which held prayer vigils outside the Parliament during the voting. The Movimento per la Vita which had gathered signatures in parishes throughout the peninsula in support of an anti-abortion law is now threatening to campaign for an abrogation amendment if the Parliament does not "review" their recent decision.

The Radicals have termed the abortion law "bureaucratic, inefficient and humiliating to women." The law is rather cumbersome. A woman over 18 who is less than 90 days pregnant and who wants to abort must go to a public counseling center, a public health center, or to the doctor of her choice to make her request. She must explain "the circumstances by which the continuation of the pregnancy, the delivery or maternity would represent a grave danger to her physical or mental health because of her state or her economic, social or family conditions or because of the circumstances in which she became pregnant or because of a malformation of the fetus." After examining the woman (she may be accompanied by the father, if she chooses), the institution may then give her a document which verifies her state of pregnancy and her request to abort. After seven days, she may go with this document to have a state-paid abortion in a hospital or authorized clinic (abortions cannot represent more than 20 percent of all activities in these clinics).

In the case of pregnancy—for both adults and minors—which has gone beyond the 90-day limit, abortions can only be performed if the "pregnancy or delivery would represent a grave danger to the life of the woman" or in the case of a deformed fetus.

In addition to this rather complicated procedure, the law contains several other stipulations. Minors (who, feminists claim, make up a large portion of the clandestine abortions performed every year on the peninsula) must have the authorization of their guardian although the courts may overrule a parent's objection. Doctors and sanitary personnel may refuse—unless it's an emergency case—to perform or assist abortions for reasons of conscience. To qualify in this way, however, they must file their objection within one month after the bill has been passed.

The purpose of the bill is to stop the increasing number of clandestine abortions in Italy. In Rome alone, according to a recent study, there have been nearly 100,000 such abortions performed each year or in other words 250-300 daily. This does not even include the number of women who went to London to have an abortion or who obtained an abortion from a "friendly" doctor which would bring up the total to nearly 450 abortions each day. These abortions, in addition to often representing a grave danger to the life of the women, were also outrageously expensive (up to 700,000 lire or nearly $1,000).

The new abortion law will not, however, totally eliminate abusive abortion practices. Although a law instituting the counseling centers mentioned in the abortion bill was passed two years ago, very few are in operation. In Rome, for example, only 14 out of 30 are working. Women—especially in rural areas—may have difficulty in obtaining the needed authorization for an abortion. Minors, lacking their parents' permission, will continue to turn to "abortion" doctors paying a high price—sometimes their lives. Finally, in a Catholic country where many clinics and hospitals are run by religious or have large Catholic staffs, the practice of conscientious objection promises to be widespread.

Despite these obstacles to their cause, however, the advocates of the abortion law believe that it is "the first instrument in the hands of women to stop the plague of clandestine abortions." For the Italian women who have fought for this law, the battle is now "to put it into practice and to manage it."

A battle has begun for the opponents of the abortion law as well, a battle, according to Italian theologian Rev. Dalmazio Mongillo, not so much on the judicial front, but the real fight against the causes and the widespread acceptance of abortion. "We must rediscover the path of persuasion," said Mongillo.

MARGO HAMMOND

(Margo Hammond, a frequent contributor, is an American journalist who lives in Rome.)

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HOLY RUSSIA RISES IN VERMONT

It has taken a little better than sixty years, but at last the late 19th century Russian self-bamboozlement of the *intelligentsia*—a Russian word, it is always worth remembering, in spite of its Latin roots—has returned in pretty much the same form it had when it disappeared in the general tumult of 1917.

That particular form of self-bamboozlement sprang from a projected perception of the Russian peasant as the source of all virtue, goodness and hope for humanity. Its return was one of the less widely remarked but one of the most important features of Aleksandr Solzhenitsyn's recent commencement address at Harvard.

The occasion is as good a one as any to recall developments in late 19th century Russia and their profound and enduring effects on the Soviet system. Many elements, among them the most essential, of the Soviet political structure were either established, strengthened, or sharpened in purpose as the last several Romanov czars strove vigorously against the rise of a middle class and, more broadly, against even the faintest semblance of the sharing of power with anyone at all.

The Romanovs' Russia, of course, had always been an autocracy. But there are autocracies and autocracies: differences between, say, Augustus and Caligula, more important, continental differences between Ivan the Terrible and Josef Stalin. The two great innovations the Romanov autocracy introduced in its last two years were the secret police and the bureaucracy. Again, both had been around in one form or another for some time, but only after the assassination of Alexander II did both take over administration of the state in large areas both geographic and categorical. The czarist secret police, picking up from the practice in France, enlarging it and eventually passing it along to its Soviet successor, got and stayed on friendly terms with the opposition, the underground, student movements sworn to destroy or otherwise modify the autocracy. This collaboration led to ease in making arrests but it also led to situations in which the secret police seemed to be the principal supporters of subversive movements against the state power. Double agents are no doubt as old as spying, which is very old indeed, but that Janus-faced variation somehow seems archetypical of the last 40 years of the Romanov dynasty. The tradition was passed intact to the Soviet successor, along with state-inflicted terror against the populace, and without too much of that addition, to the FBI under J. Edgar Hoover and the CIA under Allen Dulles and Richard Helms. It is possible that the successors of Hoover and Helms have abandoned the practice; on the other hand, it is possible that they have not and further possible that, whether they have or not, the practice continues anyway. That's the nature of secret police operations. They move very rapidly out of the control of any responsible officer of government, becoming by definition irresponsible, ultimately subversive of the government that gave them being.

In this country we are only very recently becoming aware of the perils to republican government posed by both a huge bureaucracy and a lawless secret police. In Russia, there has been no republican government to be imperiled by either. On the contrary, both have been used by both the czars and the Soviets to strengthen an absolutist government.

Responding to that situation in almost horticultural fashion, the emerging, politically powerless middle class put forth mock political shoots that eventually made themselves a sub-class and dubbed themselves the *intelligentsia*. Appalled at both the autocracy and the landed aristocracy, the *intelligentsia* came to believe that Russia's salvation, indeed the salvation of the human race, lay in the Russian peasant. The reasoning here was not merely the universally observed delusion of the idle about the ennobling effects of agricultural labor, although that was present in plenty, as may be observed in Tolstoy. The peculiarly Russian variation was that the Russian peasant was a salvationary figure precisely because the peasants for centuries had been so exploited, beaten, degraded, enslaved, humiliated, insulted and injured every day for all their lives. Since in normal human experience salvation in most of its gradations comes from persons better educated, even of greater intelligence than those who are saved, that Russian belief obviously was mystical rather than rational and indeed there was a recognized Christian strain, but the young Russian atheism had no trouble at all making making the leap of faith toward the salvationary peasantry.

The reemergence of this 19th-century Russian moonshine provides by far the most interesting, perhaps the only interesting, note in Solzhenitsyn's remarks to the Harvard graduates. The rest is mostly standard conservative, occasionally reactionary claptrap that many of the graduates, one imagines, have been hearing from their older male relatives all their lives and that can be heard any day here in the public rooms of the Army-Navy Club. But it is quite startling to see the long-forgotten salvation-bearing Russian peasant come back to life at Harvard, of all places, his numbers now swollen by the novelist to include virtually all Russians who

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have suffered under the tyranny plus all citizens of nations under Soviet occupation. With that last note Solzenhitsyn revived yet another 19th century Russian intellectual passion, Pan-Slavism, the East European equivalent of the quite similar Anglo-Germanic self-infatuation that ended so disastrously in the World Wars after warring against half the people of Europe, Asia and Africa for more than a century.

With Solzenhitsyn summoning up the distant past like Proust, it is tempting to reexamine the more recent Russian part in the light of the novelist's unexpected intellectual resurrectionism. Pan-Slavism, shared by the czars, most of their ministers, large sections of both the bureaucrecy and the aristocracy, has been achieved by the Soviets and achieved in the only way it was ever possible, the imposition of arms. If, a century ago, all the Slav states or Slav provinces of the German states were backward compared to Western Europe and the U.S. in industrialization, agricultural production, education, political maturity and what we have recently taken to calling "human rights," Russia was by far the most backward in all these fields. Its backwardness then and now has had crippling effects on the rest of Pan-Slavonica. It surely is no accident that the Slav state that advanced farthest in all those directions both as briefly independent and under Soviet occupation, Czechoslovakia, finds itself the most thoroughly Soviet-occupied, harassed and impeded of all the Pan Slavonic states.

There are two blemishes on Pan-Slavonica: the presence within the empire of such non-Slav states as East Germany, the Baltic "republics" of the USSR, Hungary and Roumania; and, of course, the continued and at times quite uppity independence of the South Slavs, Yugoslavia. The subjugation of non-Slav provinces is an ancient Russian tradition, as in the "republics" of Georgia, Armenia and others. Yugoslavia is more serious: not only Slav separated from Pan-Slavism, but also Communist, under a Moscow-educated leader who has, for 30 years, kept in business an evolving Communism that is much closer to Marxism than the Soviet tyranny is and that allows much greater self-management to the country's constituent republics than Soviet Russia has ever dreamed of doing. It has recently dawned on some perceptive American observers that Euro-Communism poses more of a threat to the Soviets than it does to the West. If that is true, obviously, Yugoslavia, merely by existing, poses a far worse threat. That Russian drive to the sea that the unspeakable Al Haig worries about the way he used to worry about justice catching up with his creator, Nixon, is much more likely to be to the Adriatic than to the Atlantic. If anyone in our government really wants to think war, instead of just thinking military megabucks, that's the war they ought to be thinking.

Meanwhile, back in the Slavonica heartland, Russian industrialization has proceeded more or less as it would have under the czars, perhaps a little slower, agriculture remains unmanageable, or at least unmanaged, and there is no greater hope for political maturity or human rights than there was under Alexander II.

FRANK GETLEIN

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ROY SCHEELE

THE SPARROW'S WAY

His song makes free
with reticence.
It says, Let go, let go.
Then, as if to show
me, he alights from the fence,
light edging his wings,
and pecks in the dirt,
puffs out his feathers,
hops and gapes. His eyes
are full of what he knows,
and when he flies back
up to his perch,
breaking the plane
of the sun again
like a catch in the breath,
his shadow skims
the cold, cold ground
and comes to him.

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LAITY AND CHURCH: I

ABIGAIL McCARTHY

"Mercy" exclaimed Imogene Coca when she heard that she was to be considered for an Emmy—and a young press agent asked her what that meant. Columnist Earl Wilson explained solemnly in the *New York Post* that "mercy" was once almost an expletive. " 'Mercy me'," he explained, "probably was shortened from 'Have mercy on me.' " To those who are survivors of the age when most communication was via the printed word, and linear (connecting past, present and future), there is something amusing in the need for explanation. But it was necessary. In the age of television the speech patterns of one generation do not carry into the next.

To those of us whose salad days were spent in exploring the varied possibilities of the lay apostolate and the role of the laity in changing the world, much of the current discussion of the laity has the same flavor as Earl Wilson's explanation, the overkill of the obvious. But it is equally necessary. Because the means of historical communication have been missing, the laity, both Protestant and Catholic, have little sense of the past, even of the immediate past.

One of the best explanations for the belated emergence of the laity as truly church as is hierarchy is to be found in Dr. Cynthia Wedel's comment on the Decree on the Apostolate of the Laity (Vatican II). Dr. Wedel, now one of the five presidents of the World Council of Churches, was one of the Protestant observers at the Council. Her comments appear in Walter Abbott's *The Documents of Vatican II* (1966):

> During the long centuries of Christian history, following the first apostolic period when functions of various members of the Body of Christ were fairly fluid, a strikingly similar pattern appears in all manifestations of the Church. Through most of these centuries few people were educated; political and social life was clearly hierarchical; everyone had his place, knew it, and accepted it. Life for the vast majority of mankind was an unending struggle to meet basic needs. A measure of protection and a civil or religious leadership which fostered the maintenance of family and simple community life was all that could be expected. Participation in the rule of Church or State was beyond the abilities or the imagination of most men—and totally beyond the wildest dreams of women!
>
> Under these conditions it was inevitable that in all Churches the clergy, with assigned responsibility for the institutional life of the Church and its work, accepted the task of leadership and decision making. The pattern of Church life was paternalism. . . .

She goes on to note that in the past century and a half the conditions which required paternalism have completely changed. Most churches, as a result, were, she said, taking a new look at the role and responsibility of their laity.

Dr. Wedel was writing twelve years ago. In the past year the discussion of the laity has taken on new intensity. Almost midway through 1978 I realize that I have spent an amazing amount of time this year reflecting on, and discussing, that topic. In part this was because of my participation in two conferences. The first of these was the Congress of the Laity held in Los Angeles in February. *Newsweek* called it "unprecedented"—a gathering of Christian lay persons—800 leaders from business, labor, government, education and the arts, gathered together by the Butt Foundation of Texas, and urged to exchange their views on how dedicated Christians could transform secular society.

It was the first time that leading evangelicals had met with leaders from the laity of the Catholic and mainline Protestant traditions. (In fact, one of the curious aspects of the meeting was that all the principal speakers, including myself, were from the mainline churches.) Columnist and philosopher Michael Novak characterized it the most important religious meeting since Vatican II.

The second conference, although much smaller and much less ambitious in scope, was in its way just as unprecedented as the Congress of the Laity. It was called a consultation of national lay organizations and was convened by the Bishops' Committee on the Laity, the first major initiative on the part of the committee since establishing its secretariat last fall. It was intended to be a listening conference. The bishops were to hear the concerns of the lay organizations. The organizations were to hear from the bishops directly about the current concerns of the hierarchy—rather than through letters or pastorals. Both conferences illustrated the difficulties inherent in the current dialogue. The problem is communication and providing the instruments for communication between members of the laity, between and among lay organizations, between the laity of one church and the laity of another, between laity and clergy, laity and governors of the institution —in the case of the Catholic Church, the bishops.

If church is to remain church, that is, if it is to *remain* institution, sacrament and community on the one hand, and if it is to attain to fullness

(*Continued on page 447*)

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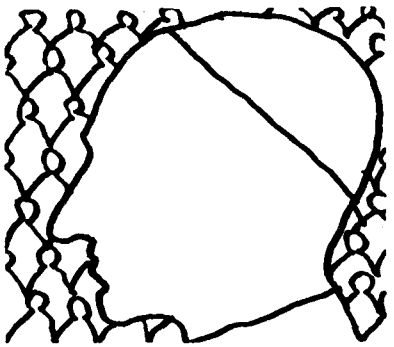
TEN YEARS LATER

CHARLES E. CURRAN



Reflections on the anniversary of 'Humanae Vitae'

What a difference ten years makes! When Pope Paul VI officially released his encyclical *Humanae Vitae* on July 29, 1968, there was a furor in the Catholic world. Ten years later the mention of *Humanae Vitae* is most often greeted by disinterested looks and weary yawns. Perhaps the present reaction is proper. Catholic people have long since made up their minds about *Humanae Vitae*. Some have given up the institutional church, many have decided they can be loyal Roman Catholics and use artificial contraception; but some strongly defend the encyclical and view it as the touchstone of Roman Catholic orthodoxy both in theory and in practice.

The passage of ten years furnishes an opportunity to reflect on the encyclical and its effect on the life of the Catholic Church. Andrew Greeley and associates after studying sociological data have concluded that the encyclical was the primary cause of the alarming decline in Roman Catholic practice in the United States in the decade of 1963-1974. I would like to add my reflections on the encylical and the church from a theological perspective.

Humanae Vitae is important because for the first time in recent history it has been widely proposed and accepted that one can dissent from authoritative, noninfallible hierarchical teaching and still be a loyal Roman Catholic. From the very first reaction to the encyclical, I was among those who insisted that the basic teaching condemning all artificial contraception for married couples was wrong and that a Roman Catholic could dissent in theory and practice from such a teaching.

In the recent past the interpretation of hierarchical teaching on the part of Roman Catholic theologians avoided such strong statements. In the nineteenth century, for example, Bishop Dupanloup of Orleans interpreted Pius IX's Syllabus of Errors in a way which ultimately met with papal approval and at the same time blunted the practical impact of the papal teaching. Dupanloup made the distinction between thesis and hypothesis. The pope condemned all these errors in thesis; that is, in what roughly corresponds to the ideal order. But in hypothesis or what might be called the actual historical order, many things may be tolerated to avoid greater evils.

In the years preceding the Second Vatican Council, John Courtney Murray and other theologians developed a very significant historical hermeneutic to explain how in the twentieth century the Roman Catholic Church could accept the separation of church and state even though papal teaching before that time, especially under Pope Leo XIII in the nineteenth century had strongly condemned the separation of church and state. The doctrinal principles must be distinguished from the contingent historical aspects. Leo XIII condemned the separation of church and state based on continental liberalism which maintained there was no room for religion in society. The twentieth century American scene was different. The First Amendment to the Constitution is not totally identified with it. There is definitely room for for God, but rather an article of peace according to which people of different religious beliefs can live together in society. The state is only a part of society and

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not totally identified with it. There is definitely room for religion in society.

The principles enunciated by Pope Leo XIII can and should be separated from the historical circumstances. The doctrinal aspect of Leo's teaching recognizes the distinction between the two societies, the harmony and cooperation between them, and the primacy of the spiritual which calls for the freedom of the church. The liberalistic notion of separation of church and state should have been condemned, but in contemporary democracies the separation of church and state is in accord with Leo's principles. Murray thus explained how it was possible for Roman Catholicism to reject the separation of church and state in the nineteenth century and accept it in the middle of the twentieth century. A critical, historical hermeneutic of past papal teaching proved that the newer understanding did not involve a contradiction of the older teaching. Without such a notion of development, it seems safe to say that the Second Vatican Council would never have accepted the newer teaching on religious liberty.

Before 1968 most Roman Catholics calling for a change in the ban on artifical contraception for married couples (myself included) argued on the basis of development in the teaching by employing approaches similar to the one used so effectively by Murray. Recall that the first articles in serious theological journals calling for a change in the teaching on artificial contraception appeared only in 1963. Such a theory of development could be much more easily and readily accepted by the church than a theory which acknowledged that the previous teaching was wrong.

Undoubtedly there is a great deal of truth in the magnificent theory developed by Murray on the question of church and state and perhaps some truth in its application to artificial contraception. However, even in Murray's approach one must admit both continuity and discontinuity in the historical development. At the very least, the papal magisterium was wrong in not correcting the teaching once the historical situation had changed or in not recognizing the situations in which it did not apply. One also wonders if Leo would recognize himself in Murray's reconstruction.

A theory of development and continuity faced very great difficulties in attempting to explain a possible change in the teaching on artificial contraception. In 1930 Pope Pius XI sharply condemned artificial contraception in his encyclical *Casti Connubii*. In subsequent years, Pope Pius XII and Pope John XXIII often reiterated that teaching in less formal and solemn ways. Such a great historical development could hardly have occurred in such a short period of time. At least the later popes were wrong in reiterating the condemnation.

I in no way mean to impugn the integrity and honesty of those (myself included!) who used the theory of historical development to explain how the Catholic Church could change its teaching on artificial contraception. I feel quite sure that this theory was proposed in good faith by its adherents. However, those who argued against the acceptance of artificial contraception in the Roman Catholic Church in the 1960s recognized the more radical nature of the problem. As mentioned in the so-called minority report of the papal commission on birth control the primary reason for not changing the teaching was the necessity of admitting that the previous teaching had been wrong. One must honestly recognize that "the conservatives" saw much more clearly than "the liberals" of the day that a change in the teaching on artificial contraception had to recognize that the previous teaching was wrong.

Once *Humanae Vitae* was issued and the older teaching reaffirmed, those opposed to it could no longer call upon a theory of historical development. However, there

were ways in which the encyclical's condemnation of artificial contraception could be interpreted so that one could mitigate its teaching without at the same time accusing the pope of being in error. From my perspective it was imperative then to take the more radical approach. The teaching condemning artificial contraception is wrong; the pope is in error; Catholics in good conscience can dissent in theory and in practice from such a teaching.

In the meantime, there have been a significant number of theologians who have tried to nuance the interpretation of *Humanae Vitae* in such a way that one can accept the morality of artificial contraception in some circumstances without accusing the encyclical of being totally wrong.

Karl Rahner recognizes that one can dissent from an authoritative, noninfallible papal teaching. However, he suggests that there might be another way to understand the teaching of *Humanae Vitae*. The pope is here proposing an ideal norm which cannot always be effectively realized in all its moral obligations in every situation in human life or by every individual or by every social group. It is conceivable at least in principle that only later will the ideal which is now being taught be understood as having the force of moral obligation in actual

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concrete reality. In this way one can account for both the truth of the teaching and the actual practice of many Roman Catholics.

Another similar conciliating approach sees contraception as involving premoral, physical or ontic evil. Contraception thus always involves evil, but such evil is not always moral evil. For a proportionate reason contraception can be morally good. Here again a way is found to salvage some of the papal teaching. Many theologians have creatively employed this theory of premoral or ontic evil in other problem areas in Roman Catholic ethics.

From the viewpoint of moral theology one could make a case for these and similar approaches. From the perspective of the life of the church such approaches seem to be a way to preserve greater unity and peace in the church in the midst of very difficult times. However, I continue to maintain that such approaches are inadequate and wrong. I do not think that contraception violates an ideal; nor does it involve premoral or ontic evil. In my judgment both of these approaches still give too much importance to the physical aspect of the act and see the physical as normative. From the ecclesiological perspective we must face the more radical question of the existence of papal error and of the possibility of dissent. Even from a pragmatic and practical viewpoint, the contemporary church must address the question of dissent. There are some significant moral truths in *Humanae Vitae*. Likewise, there has been some development in the teaching of the Catholic Church on procreation and marital relations. But the condemnation of artificial contraception found in *Humanae Vitae* is wrong.

The acceptance of the possibility of dissent within the Roman Catholic Church calls for a changed understanding at least in the minds of many Catholics of the role of the hierarchical magisterium. If the hierarchical magisterium can be wrong in noninfallible matters (There has never been an infallible teaching on a specific moral question so it is not necessary here to enter into the debate over infallibility), then it follows that the hierarchical magisterium cannot be the only way in which the church teaches. Historical studies have indicated that the Catholic tradition recognized this reality, but it was not popularly understood or practically acknowledged especially in the context of the authoritarian Catholicism of the twentieth century.

In the last decade many theologians have recognized that the hierarchical magisterium does not constitute the total magisterial activity of the church. Even before *Humanae Vitae*, Daniel Maguire perceptively insisted that the word "magisterium" has a plural. There are many *magisteria* in the church—papal and episcopal magisteria, the authentic magisterium of the laity and the magisterium of theologians. Each of these has a creative service in the church.

Theologians have been further investigating the theological and historical aspect of magisteria. According to Yves Congar, before the nineteenth century the word magisterium never signified what twentieth century Catholic theology called the magisterium—that is, the teaching office of the pope and bishops. The word magisterium was applied to the hierarchical teaching office only in the nineteenth century. A recent doctoral dissertation of Michael Place studies the teaching of four significant Italian theologians in the latter part of the eighteenth and early part of the nineteenth centuries about the nature of papal solicitude in matters of faith and morals. He advances the hypothesis that these authors consider noninfallible papal action in matters of faith to be an exercise of papal disciplinary power. If this is true, the response owed to such teaching is not that of absolute obedience. All would agree that the response to disciplinary regulations admits of some exceptions and the possibility of acting in a different manner.

The acceptance of such an understanding of the hierarchical magisterium involves the recognition that dissent can exist on more than one issue. It is not enough merely to study the historical development of ecclesiology to show that the Catholic tradition acknowledges the possibility of dissent from authoritative, noninfallible papal teaching. One must also raise the question of why such dissent can and should exist. There are two ultimate theological reasons justifying the possibility of dissent.

First, specific moral teachings are not that intimately connected with faith. Catholic theology has recognized there exists a hierarchy of truths and has carefully attempted to distinguish various truths and how they relate to the central core of faith. In responding to *Humanae Vitae* the Canadian bishops acknowledged that some Catholics had difficulty in appropriating the teaching condemning artificial birth control. "Since they are not denying any point of divine and Catholic faith nor rejecting the teaching authority of the church, these Catholics should not be considered, or consider themselves, shut off from the body of the faithful." The statement of the Canadian bishops espouses a general principle which applies to other questions. Specific moral questions do not involve a matter of divine faith. Consequently, Roman Catholics could disagree on other specific teachings and not be cut off from the body of the faithful.

A second reason justifying the possibility of dissent from specific moral teachings rests on epistemological grounds. Particular moral questions by their very nature involve a great degree of specificity. On a more general level one can and should find great certitude; but as one descends to the particular, the individual and the specific, the possibility of differing positions exists. The greater the particularity and specificity, the more difficult it is to claim for one's solution a certitude that

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excludes the possibility of error. All can agree on the basic virtues of attitudes that should characterize the Christian life, but their practical realization often involves the possibility of legitimate differences. Peace and justice are both very significant Christian attitudes, but sometimes for the sake of justice, violence can be acceptable. All can agree on the need to respect human life, but the Catholic tradition recognizes that in the practical question of capital punishment there can be different positions within the Catholic community.

When does truly human life begin? One cannot discuss the question of abortion without deciding this very basic question. My own response is quite conservative—truly human life begins two to three weeks after conception. Some French Catholic moral theologians have proposed that truly human life is not present until the fetus is accepted into a loving relationship. Without this relational aspect there is physical or biological life but not truly human life. I insist that such a theory is wrong for many reasons. I have publicly written and spoken against such a position. But I cannot say that those who hold such an opinion are outside the church of Jesus Christ.

It is interesting to recall that Catholic moral theology in the 1950s recognized that one could not be absolutely certain when death occurs. Pope Pius XII admitted that the traditional definition of death as the complete and final separation of the soul from the body lacks precision. Hence the church looks to the doctors, especially the anesthesiologists, to give a clear and precise meaning of death and the moment of death. Catholic moral theologians distinguished between real death and apparent death. Real death might not occur for a number of hours after apparent death especially when death results from a sudden accident. If one cannot be certain when death occurs, it seems logical that there is also a lack of certitude about the beginning of truly human life.

An acceptance of the possibility of dissent calls for significant changes in the understanding of the church. Note that our discussion has been limited to the possibility of dissent. Whether or not one should dissent from a particular hierarchical teaching rests with the decision of conscience after a thoughtful and prayerful reflection on the aspects involved.

As a very first step the Catholic Church will have to learn to live with a greater pluralism on specific moral issues. In one sense this pluralism is accepted by the hierarchical magisterium in matters of social morality, but it will now become even more evident in questions of personal morality. The unwillingness to admit legitimate dissent in the case of *Humanae Vitae* underscores how difficult it will be to allow dissent in other areas.

An important corollary recognizes that the unity of the church should not be found on specific moral issues. Unfortunately, especially in the United States, the unity and distinctive characteristics of Roman Catholicism have often been found on such particular moral issues. Before the Second Vatican Council, the good Roman Catholic was the one who went to Mass on Sunday, did not eat meat on Friday and did not use artificial contraception. It will be very difficult to change these long ingrained attitudes, but such specific areas so removed from the core of faith can never be the place where the unity of the church is to be found.

For one who accepts such a view of the hierarchical

teaching office, the possibility of dissent and a greater pluralism in the church on specific moral matters must be consistent. Today this consistency is sometimes threatened in the area of social ethics. Both theoretically and practically, our ethical concerns in the Catholic Church have too often forgotten about the social aspect of morality. Contemporary political and liberation theologies rightly show the need for church involvement in overcoming all forms of oppression and injustice. Our theology and our church life can no longer remain privatized and divorced from the human struggle for freedom and justice in the world in which we live. However, here too, one must admit a pluralism within the church especially when it comes to particular strategies for bringing about social change. In the light of the Gospel and of human experience one can find a strong basis for a negative critique of the injustice, oppression, consumerism and exploitation in our modern world. However, it will always be more difficult to find agreement on what positively should be done and on the strategy best suited to bring about change.

There is no doubt that the model of the church proposed here will not be as prophetic as some people in the church think it should be. For many reasons we all want the church to be prophetic, but we must understand this in terms of a broader ecclesiology. There will always be a tension between the prophetic aspect of the community and the freedom of the individual believer. We all occasionally succumb to the temptation of insisting on pluralism or prophecy depending on where we stand on the particular issue.

I still insist that there is a significant prophetic aspect

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to the church. Here it is necessary to point out the importance of a negative critique as a form of prophecy. From this perspective, the whole church must constantly speak out against the evils which are present in our world. In terms of more positive strategies for social change, a greater role must be given to smaller groups within the church. I am not a pacifist nor a supporter of unilateral nuclear disarmament under the present historical circumstances. However, there must always be room within the church for groups of Christians who are fighting for such causes. There are many things which smaller groups can band together to work for which the whole church as such cannot adopt. At times the whole church through the hierarchical teaching office should speak out on specific social questions, but with the realization that some Catholics may disagree.

In the past pluralism was recognized in social matters precisely because of the complexity of the questions involved and their distance from the core of faith. These particular questions can never be separated from faith, but we must recognize that faith is here mediated in and through many human realities. Today I am proposing the same reasons exist for the insistence on a greater pluralism even in questions of personal morality. Methodological approaches in moral theology have changed so that now it is admitted that specific moral norms must be seen in terms of protecting human meaning and values; norms are not found in the very structure of faculties. Moral theology today recognizes the danger of physicalism or of identifying the human moral act with the physical structure of the act. Many theologians rightly deny the existence of moral absolutes when the forbidden behavior is defined solely in terms of the physical structure of the act. In this light the official teaching on questions such as contraception, sterilization, abortion, sexuality, euthanasia, divorce and the principle of double effect has been challenged. However, it must be underlined that now it is impossible to discuss all of these specific issues. I merely want to recognize that the possibility of dissent can exist in these areas.

One should not conclude that there is no role for the hierarchical magisterium in the church. However, the way in which the papal and episcopal teaching offices carry out their function must take account of the changed understanding. Above all, the hierarchical magisterium must use all available means to discern the call of the Spirit and to recognize that it must have the courage at times to admit that past teachings were wrong. In the name of the whole church the hierarchical magisterium at times must speak out. However, even after using every possible means of discernment, the possibility of dissent will always exist in the area of specific moral teachings.

I have just sketched the ramifications for the church of the acceptance of the possibility of dissent from authoritative hierarchical teaching. How does this theory correspond with the present reality? In practice it seems that the present situation fits the theory described above. However, the hierarchical church itself does not officially recognize nor does it accept such a situation.

There is no doubt that many people in the Catholic Church today disagree in theory and in practice with hierarchical church teachings on a number of specific moral issues. Various opinion polls report this understanding of the contemporary situation. A modus vivendi seems to have been reached in matters of birth control, divorce and even homosexuality. Although official teaching has not changed on any of these issues, in actuality the church has changed, for many people acting contrary to official teaching fully participate in its life.

This modus vivendi seems to have provided a climate in which diversity exists without threatening the official teaching of the church. Yes, there are many advantages to the present situation; one could argue that it should continue in existence. However, I strongly insist that the present situation should not continue. The hierarchical teaching office cannot have it both ways. The present situation in which the official teaching and the accepted practice are different cannot continue. I am willing to recognize there will always be gaps between promise and performance in the Christian life for all of us. Likewise, there will always be tension between teaching the way of the Lord and at the same time showing mercy to those who are not able to fully respond to this teaching. However, the hierarchical teaching authority cannot say one thing in theory and tacitly acknowledge another in practice. Although achieving a kind of peace, the present situation also involves some glaring problems and inconsistencies which call for it to be changed.

Sometimes the contradiction between the level of official teaching and the actual practice will surface. Take, for example, the approach of the Roman Catholic Church to the world population conference in Bucharest in 1974. On the basis of official policy the Catholic Church is still opposed to artificial contraception even though most of its members disagree. The church's hands are thus tied in trying to contribute positively to the problem of population growth.

A vexing problem has arisen for Catholic hospitals. The ethical directives for Catholic hospitals prohibit any direct sterilization. Many Catholics do become sterilized —often with the advice and encouragement of a priest and continue to be loyal Catholics. However, Catholic hospitals cannot do sterilizations which for all practical purposes are only female sterilizations, since male vasectomies are done in the doctor's office. A number of Catholic hospitals today feel that their continued existence is placed in jeopardy because of their inability to do direct sterilizations.

Second, the continuance of the present situation ulti-

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mately damages the credibility of the church and of the hierarchical teaching office. Greeley attributes the decline in Roman Catholic practice in the United States to the encyclical. Apparently some Catholics have seen the refusal of the hierarchical magisterium to change its teaching on artificial contraception as a sign that the church is not mediating the word and work of Jesus in our time.

Third, at the very least the present situation does not seem to be honest. The bishops clearly recognize what is taking place in practice, but at the same time they continue to reiterate the older teaching. This situation can only continue to harm the church.

Fourth, in the present situation the role of institutional structures and of the hierarchical office is being steadily eroded. Take, for example, the question of remarriage after divorce. Many Catholics decide, often with the advice of a priest, to remarry and to continue celebrating the sacraments of the church. Such a situation is basically good, but there are dangers of harm and injustice to innocent people which call for some official guidelines. There is a proper place and a need for the hierarchical office to regulate aspects in the life of the church, but today many things are developing outside and beyond the official structure. Such a situation cannot and should not continue for too long a period of time.

Fifth, in the eyes of many Roman Catholics there must be important institutional changes in the church. Issues such as divorce and remarriage, women priests, and clerical celibacy call for change. In a sense *Humanae Vitae* has become symbolic. If the hierarchical church refuses to change here, there will probably be no change on the other issues.

On the question of artificial contraception, the pope and bishops must be willing to publicly admit that the previous teaching is wrong. At the very least they need to acknowledge publicly the legitimacy of dissent on this question and the ramification of dissent in the entire life of the church.

On the tenth anniversary of the encyclical *Humanae Vitae* there will be pressures for the bishops throughout the world to again renew their acceptance and commitment to this particular teaching. Honesty demands as a minimum that they not do this without at the same time officially recognizing the possibility of dissent from such a teaching. The easy way out of the difficulty is to continue the present situation with the hierarchical teaching office still proclaiming its adherence to *Humanae Vitae* while in practice most of the members of the church disagree. However, to continue this situation will merely create greater problems for the hierarchical church and its credibility in the eyes of the faithful and of the world.

CONSENT WITHOUT ADVICE

PETER BLUM KOVLER

Questions about the Senate confirmation process

The Bert Lance case is now a good many weeks behind us. Nonetheless, it would be worthwile to examine it more closely. It is now quite apparent that the case raised serious doubts about Lance's final days, the President's credibility had declined, Jody Powell looked Ziegleresque and Senators Ribicoff and Percy had been exposed as posturers rather than serious questioners. But even more important than the temporary tarnish on the reputations of these principals, the Lance affair has raised one main question about the entire Senate confirmation process. That is, what is the Senate doing to prevent irresponsible nominees like Lance from assuming office? Sadly, the answer is very little.

Legally, the Senate is obliged to take a great deal of responsibility for the caliber of federal public servants. The Constitution stipulates that the President "shall nominate and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for. . . ."

Formally, all nominations are handled in the same way as legislation. The Parliamentarian refers them to the authorizing committee that has jurisdiction over the area that could be the nominee's. So, for instance, the Committee on Foreign Relations will always consider State Department and ambassadorial nominations, the Judiciary Committee will look at prospective Attorneys General and judges, etc. Then, if the nominee is approved by the committee, he is considered by the full Senate. "In the past," according to Judith Parriss, a former member of the Brookings Institute and author of several articles on Senate confirmations, "what little

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effort has been put in the process has been done at the committee level."

At present, the Senate considers about 60,000 nominations per year—a staggering figure until one realizes that all but about 3,000 are for routine commissions and positions in the military service; of those 3,000 about 350 can be classified as nominations to policy-making positions.

Historically, most nominations have been approved. The Senate, according to Senator William Proxmire (Dem. Wisc.)—the only Member to vote against Bert Lance—"has always done a weak job in this area, although sometimes it has been absolutely appalling." David Cohen, the President of Common Cause and leader in the movement to reform the confirmation process, agrees: "Unfortunately, the Senate for too long has served as an instant ratifying processor for Cabinet and other appointments. Hearings too often are perfunctory. Efficiency and speed serve as excuses to avoid effective scrutiny and oversight. Little is learned and an adequate record is not developed; the public is effectively shut out."

Most often, according to George Washington University professor and confirmation scholar (he has read 1,200 hearings) G. Calvin Mackenzie, "Senate committees have been haphazard and superficial in the ways they examined the credentials and qualifications of presidential nominations. Until recently," he continues, "it was not uncommon for Senate action on a nomination to be completed in one day. A brief and perfunctory hearing would be held in the morning, a committee vote would be taken immediately after the hearing, the nomination would be reported directly to the floor and there it would be confirmed by voice vote with few Senators in attendance."

Since the end of World War II, Senators from all sides of the political spectrum have, occasionally, raised objections. For example in 1953 Joseph McCarthy led an attack on Charles Bohlen who had been nominated to be Ambassador to the Soviet Union. McCarthy charged that the confidential FBI file cantained derogatory information about Bohlen. But in spite of the farcical allegation, Bohlen was confirmed. And, more recently, the Senate defeated Nixon Supreme Court nominees Harold Carswell and Clement Haynsworth.

Today, scrutinizing of nominees depends on several factors, including the office at stake and the particular committee charged with the responsibility. Qualities of the nominees, however, rarely interest the Senators. According to Parriss: "There has been one standard for nominees to the Vice Presidency and the Supreme Court and another standard for everyone else. It is well known that in each instance when Congress has considered such a nominee, Ford in '73 and Rockefeller in '74, there has been meticulous scrutiny of the nominee's background, qualifications, financial holdings and policy preferences. The same pretty much goes for the Supreme Court because they are lifetime appointments. For the other offices, however, there has been little aggressiveness."

Commerce and Banking

It is generally agreed on Capitol Hill that there is only one efficient and systematic confirmation committee—Commerce, formerly chaired by Sen. Warren Magnuson (Dem. Washington) and now headed by Sen. Howard Cannon (Dem. Nevada); there is one that is thought to be close to Commerce, Banking, headed by Sen. Proxmire; and the rest, according to David Cohen, "do not really care."

The Commerce Committee decides on nominees to the Department of Commerce, Department of Transportation, Federal Trade Commission, Interstate Commerce Commission, Civil Aeronautics Board, Corporation for Public Broadcasting, Consumer Product Safety Commission and many lesser administrative agencies. Their record, says Cohen, has been "outstanding" and in the past three years they have rejected such nominees as Joseph Coors (head of Coors beer) who was to be a member of the Corporation for Public Bradcasting. The Committee said that Coors must divest himself of his ownership of his TVN, a syndicated news show. Coors refused and, so, the Committee refused.

Also, they rejected Warren Rudman, another Nixon nominee, who was to be a member of the ICC. Even today the Committee is secretive about why Rudman was not considered, allowing only that they had attained "adverse information" about him. More recently, in November '75, Nixon nominee Isabel Burgess was prevented from joining the National Transportation Safety Board owing to a conflict of interest (she would not give up her stock in a particular carrier). Early in 1977 Luther Holcomb, a Nixon appointee to EEOC, was rejected because the Committee dug up a memo that he had written to Nixon where he suggested to the White House that he would like to do anything he could, politically, with his agency. And, most recently, the Committee last winter rejected (this time by simply not considering the nominee) Donald Tucker, former speaker of the Florida House, who had been nominated by Carter to be on the CAB. Apparently. "allegations in the media," according to a Committee staffperson, "was enough to make him withdraw."

The Commerce Committee sends to each nominee an application form with detailed questions about financial data, future employment relationships, and potential conflicts of interest. For example, a nominee must: "List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business re-

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lationships, professional services and firm memberships, employers, clients and customers."

Of course, a committee can ask all the questions it wants, but it can all become meaningless if the Senators 1) do not read the material and 2) do not respond to apparent improprieties. On the Commerce Committee, credit for confirmation enforcement generally goes to Sen. Magnuson, the former General Counsel Mike Pertschuk—now head of the Federal Trade Commission—and, perhaps most importantly, to vocal consumer groups.

Proxmire's Banking Committee is rated just behind Commerce. Says the Wisconsin Senator: "In the last few years we have tried to adopt Commerce's method of checking out the nominees. In addition, we try to look at the background and qualifications of the candidate. Administrations have been very weak in this area, nominating people with no experience in their fields. That's why I opposed Lance and why I opposed Mrs. Harris."

Adds Proxmire; "I also make it a personal policy to never see a nominee privately. It just becomes a lot harder to objectively consider someone or to consider his credentials when you know him. For instance, Aruthur Burns, a man of great dignity, calls and wants to come up and introduce me to a candidate for the Federal Reserve Board. But I tell him 'no thank you.'"

It is believed that the Banking Committee staff and Proxmire did a thorough job last March when G. William Miller was nominated to be head of the Federal Reserve Board. Although some tried to accuse the Committee of using "McCarthy-like tactics," such allegations carry little weight. Indeed, the Banking Committee was simply performing as a good confirmation committee should.

Ironically, Lance's inquisitors, the Senate Governmental Affairs Committee, is sometimes thought to do a good job. According to many observers, the initial investigation on Lance may have been as thorough as any other investigation. Yet, most observers agree, the desire to go along with the new Democratic President was overwhelming.

Other important committees such as Judiciary, Foreign Relations and Human Resources are generally thought to have less interest in advice and consent. "For instance," says David Cohen, "some of the actions by the Judiciary Committee have been shameful. While they spent a good bit of time on the Bell confirmation, they had no final report and there wasn't even a report sent to the full Senate. Finally, after he was confirmed, the Committee came out with a so-called report, but it was four pages long. And all of this happened after two of our more recent Attorneys General, John Mitchell and Richard Kleindienst, were convicted of violations of federal law."

In general, say Senate members, of the three main types of nominees—Cabinet members, regulatory commissioners and judges—potential Cabinet members are examined least closely. The explanation for this, says Cohen, is that usually the Senate feels that the President has the right to surround himself with those he wants, "to have his own team."

Cohen, however, is particularly upset about regulatory appointments: "Our government still fails consistently to choose and attract men and women of high calling to serve as regulatory commissioners and administrators. The past record of Presidents and the Senate is anything but good although Carter has been better than his predecessors. Regulatory agencies continue to be a haven for special interest influence; they continue to exclude effectively women and minorities. It is not difficult to see why the current system fails to produce qualified appointees: At every stage, ability and commitment to a public interest are secondary considerations."

At present there is one bill before the Senate that is aimed at reform. Sen. Res. 258 has been introduced by Senators Ribicoff, Percy and Javits and its purpose is to "create a new Senate office to assist the Senate in its confirmation responsibility." The Resolution for this Senate investigating committee has three principal purposes. It will require that the nominees to major government positions be subject to regular systematic investigations into their background and integrity prior to Senate action. Also, it will guarantee Senate access to investigative reports by executive branch agencies such as the FBI. And, according to Ribicoff, if the bill passed it would establish general standards on Senate confirmation.

Perhaps the most important aspect of the bill is its attempt to prevent "quickie" confirmations. One provision, for instance, makes it necessary for committees to wait 15 days after a nomination is received before it can judge a candidate. Such a delay, according to many Senate staff members, would finally allow the Senate adequate time to deliberate.

Still, the bill faces tough opposition—both from advocates of a tougher Senate and from the Good Old Boys. Senator Proxmire, for instance, believes "that such a committee would allow the other committees to shirk their responsibilities. I think," he says, "what we may get is a problem where once the new committee says that the candidate is O.K. then the committees that have the final approval will relax and just go ahead and agree with the investigative committee. And, I have trouble with it because there will be so much emphasis on conflict of interest rather than policy."

In all likelihood the bill will be opposed by southern and conservative members—but for reasons quite different than those of Proxmire's. Senator John Stennis, for instance, has already announced his position. "I think as a whole, it (the confirmation process) is a function of the Senate that has been carried out in an

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unusually fine and successful way. Frankly, I do not want to see that important function disturbed."

Also of primary importance in the bill is that there will be more staff—and more skilled staff—who will look at prospective appointees. Governmental Affairs staff members think that one of their problems has been not having enough people who could examine the esoterica of American banking practices. But with the committee, there would be skilled investigators, including former Internal Revenue Service agents—who could do the work.

But Proxmire, among others, believes that it is not so much a question of staff, but rather of will. "If we have committees now that do very good jobs," he declares, "it is not because of their size, but because some Senators are aggressive."

Too, others in the Senate and many staff members dislike the bill because of its political overtones. As one staff member told me: "It's plain that this is just a cover your ass bill for Ribicoff and Percy. They made fools of themselves and, now, they want to repair their broken public image. We have already had too much of that sort of legislation."

"Nevertheless," argues Cohen, "in spite of any other circumstances, there is the need for a formal process, a procedure to follow. At present, it's a sort of Darwinian struggle to see who can get through. This should not be. And there should not be any more fiascos as with Lance. There have to be statutes so that Senators can be moved to implement them. . . . It is the only way they can fulfill their proper role of advice and consent."

One objection to the reform measure is that it would increase the chances of raking up the lives of nominees, thereby making public service less desirable; and putting fewer good men in the government. But such an idea assumes that the reform would mean a movement from almost complete neglect to unbridled harassment. Clearly, as with any reform, there is the possibility of "going too far." Still, it seems that with the Senate's history of negligence, this opportunity to make a change is well worth trying.

Also, there is the view that the Senate cannot ever devote sufficient time to the job: That it will either spend too much time, thereby delaying an approval and making an executive agency function shorthanded. Or that they will continue to spend too little time. Obviously, there is merit in such skepticism. But, again, having seen what committees like Commerce can do, it seems wise to attempt to follow their lead.

Finally, some believe that the reform should not be in the Senate at all, but, instead, in the President's prerogative to name appointees. Proponents of the bill, however, think there can be changes in both branches. In fact, according to Cohen, there has to be an appointment process where there is a wide and publicly known search and where the process is open. One recent example, he pointed out, was in the nomination of Frank Johnson to head the F.B.I.

Still, regardless of what happens to this bill (and action on it does not appear likely until next session), the Lance case has clearly caused Senators to be more aware of this part of their job. In November, for example, the Environment and Public Works Committee rejected Kent Hansen, a nominee to the Nuclear Regulatory Commission. Such a move was practically unheard of five years ago.

The most important question, however, is how long will this sort of alertness last. As long as the confirmation process is drawing some public attention, most observers agree that Senators will pay a bit more attention. Few, though, believe that the Senate can maintain proper vigilance. Says Cohen: "Even if we get the new rules in and even if Senators begin to do their job, it will take continued public pressure to make sure the rules are applied; for on the Hill responsibility is not something that comes easily."

JOHN FANDEL

LATE AUGUST NIGHT

By dusk, these days,
crickets and all their multilingual kin,
swell the undulant dark,
static to the sun
hummed into grasses,
an afternoon sound you can mistake for bees
competing with high-tension shine in clover
or power-lines strung over the murmuring pine.

So night is a crescendo.

Suppose, I muse,—just this side of sleep—
their iterate reiterate rite,
a fair invoice of dark,
were light.
Would stars compete?
Could moon mimic such strumming lumination?
Would sun refuse to rise?

Lucky, things as they are
are as they are.
I can doze off upon such pulsing darkness
and wake again to hear the dynamos
click
it,
cricket
et
cetera cricket,
their long toiling in the dark sounded out.

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BEHIND ST. PAUL'S 'AFFECTIONAL PREFERENCE' VOTE

JAMES D. TRACY

One hopes St. Paul's vote (April 25) to strike the "affectional preference" clause from its human rights ordinance will not substantially affect the civil rights of homosexuals. During the four years this wording has been part of the law, only six complaints have been brought before the city's human rights department, of which only one was deemed worthy of a full hearing. It is clear, however, that the balloting has struck yet another blow at what one may call the enlightenment theory of politics.

No one would have thought St. Paul another Miami. Unlike next-door Minneapolis, which once had a reputation for anti-Semitism (until Hubert Humphrey became mayor), Minnesota's capital city has never been known for intolerance. For over thirty years the fourth district has been sending liberal Democrats to Congress with thumping majorities, from Eugene McCarthy through Bruce Vento. Since state laws were changed a few years ago to permit party designation on local election ballots, not a single Republican has been elected to city office. Few middle-sized cities (ca. 300,000) can be more liberal politically.

Thus when Rev. Richard Angwin, a young Southern Baptist minister, first announced his campaign to repeal the affectional preference clause, few took him seriously, despite the 7,000 signatures he collected to place his initiative on the city election ballot. His "Citizens Alert for Morality" (CAM) raised only $68,000 in a month-long campaign, $38,000 in a loan taken out in Rev. Angwin's name. CAM's newspaper ads carried signatures by six Catholic priests (Auxiliary Bishop Paul Dudley later added his support) and an orthodox rabbi, but most clergy supporting repeal were Baptists, many from the suburbs. It did not seem CAM's fundamentalist rhetoric would have much appeal in a city which is 40 percent Catholic, and whose Protestant population is mostly Lutheran. A rally at the Civic Center featuring Anita Bryant's husband (Ms. Bryant was ill) drew 8,000 instead of the hoped-for 17,000.

Mobilization of opinion against repeal seemed far more impressive. Early in the campaign Archbishop John Roach issued a statement saying that while the Catholic Church could not condone homosexuality, homosexuals should not be denied enjoyment of their civil rights. The Archbishop disclaimed any intention of instructing people how to vote, but the Archdiocesan Priests' Senate came out against repeal, and fifteen individual priests signed newspaper ads to the same effect, as did Lutheran Bishop Elmer Agrimson and large numbers of Protestant and Jewish clergy.

Labor leaders, without whose endorsement few people get elected in St. Paul, likewise went on record against repeal. So did the Democratic-Farmer-Labor (DFL) party organization, and all but two incumbent or DFL-endorsed city council candidates (the most conspicuous exception was Mrs. Rosalie Butler, who had been repudiated by the DFL because of her somewhat obstreperous campaign against pornography and nude dancing, but who ran, successfully, as an independent). Lacking all but token opposition, Mayor George Latimer devoted his campaign energy to an anti-repeal coalition, St. Paul Citizens for Human Rights. This group was somewhat better financed than CAM (they raised $85,000), and its leaders conducted precisely the kind of campaign best calculated to have wide public appeal. They stressed that a vote to keep civil rights for homosexuals was not a vote to extend public approval to the gay life style, and they made good use of endorsements by civic and religious leaders. The first of three literature drops featured, on page one, large pictures of city hall and the St. Paul cathedral.

Many groups active in politics work on the assumption that the political process is mainly a matter of educating the voters. One carefully explains what a law intends and what it does not, and displays the views of those best qualified to speak on the issue; having done so, one expects the public, as a matter of course, to fall in line behind "enlightened" opinion. By this assumption, Citizens for Human Rights workers had every reason to be confident of victory, as indeed they were. There were a few contrary straws in the wind. Longtime councilman Victor Tedesco, known for keeping an ear to the ground in blue-collar wards, joined Mrs. Butler in supporting repeal. Others recalled the Minneapolis mayoral election of 1975, when ex-mayor

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Charles Stenvig stunned incumbent DFLer Albert Hofstede and just about everybody else; Stenvig's one issue on this occasion was that Hofstede had designated a "gay pride day" in Minneapolis.

But not even Rev. Angwin was prepared for the result in St. Paul. In a 55 percent turn-out, the highest for a local election in ten years, voters struck down the affectional preference clause by 54,000 to 31,000, not quite Miami's three-to-one margin, but amply decisive. One reason the turnout was high was that it included thousands of new or first-time voters who registered election day, as Minnesota law permits; but one must assume most of these votes were cast *against* repeal. Rev. Angwin's supporters found in the results nothing that required explanation ('You can't beat God's Word,' his assistant pastor said). But opposition leaders began casting about for the reason why.

Some thought a Stenvig-like reaction might be brewing in St. Paul, since an unknown American party mayoral candidate named Nyborg (there being no Republican challenger) collected 20,000 votes. But Mr. Nyborg's totals hardly explain the vote for repeal, since Mayor Latimer polled well over 50,000 votes, as did liberal city council candidates who were just as closely identified with the Citizens for Human Rights campaign. One is left with the conclusion that some 30,000 St. Paulites who voted for repeal also voted for liberal candidates who opposed it.

There were also reports of DFL candidates receiving obscene phone calls of the ugliest kind ("you queer-loving Jew," etc.). This is perhaps what prompted a newly elected council member to exclaim, the morning after, "Evil has triumphed in St. Paul." But one doubts that evil is precisely what triumphed. The notion that such latent barbarism is widespread among the masses of people is an important part of the enlightenment theory of politics, since it justifies the expectation that people should fall in behind those who know better, such as elected officials or clergymen. But if hatred of homosexuals has truly become popular in St. Paul, one wonders why, as mentioned earlier, there has been in four years only one civil rights complaint deemed worth a full inquiry. Conversely, it is more than a bit dishonest to explain a vote one disagrees with by ascribing to the majority a pathological mentality.

Still others felt there had not been time enough in a month's campaign to "educate" the public, that is, to explain the true and limited intent of the law, and to make known the views of St. Paul's leading citizens. But polls in the *St. Paul Dispatch* suggested the tide of opinion was running the other way as time passed. With a third of the voters apparently still undecided on election eve, responses went from 38 percent to 30 percent opposed to repeal two weeks earlier to 38 percent to 30 percent in favor.

It seems more likely that people voted for repeal for a specific reason which it behooves liberals to understand: they simply refused to believe there was no connection between writing homosexuals into the human rights ordinance and social approval for the gay life style.

Every political movement in recent years has generated a momentum pointing well beyond the intentions of its most respected leaders. The St. Paul Citizens for Human Rights were led by homosexuals who fully believed in the politics of coalition and practiced it with considerable skill. Inevitably, however, they were outflanked by a splinter group of gay rights activists who (predictably) accused the larger organization of secretly plotting to sabotage the human rights ordinance, and who, owing to perverse notions of equal time, got more media attention than they deserved. Their idea of effective campaigning was to stage a dance in a hall next door to the Bryant rally. When the ten o'clock news flashed a scene of young men with no shirts on dancing with each other, one could have ticked off several thousand votes for Rev. Angwin.

For its hour-long debate on the subject, a local TV station chose as spokesman for the human rights ordinance a second-term State Senator from Minneapolis, Allan Spear, who "came out" as a homosexual during his first term. Sen. Spear made the usual argument that the ordinance constituted no endorsement of homosexuality, but, with the aid of a liberal Protestant theologian, he also made a different argument which in effect undercut the first point, viz., that even the Bible does not permit one to conclude that homosexual behavior is immoral. Whatever Scripture scholars may think of this claim, it was not calculated to reassure voters worried about the implications of the ordinance.

Conversely, Rev. Angwin's spokesman—a lawyer named Magnusson—insisted that the affectional preference clause portended a deep change in our legal traditions. He stressed in particular the Big Brother case, in which a Minneapolis homosexual brought a complaint against Big Brothers under that city's human rights law (similar to St. Paul's), alleging his civil rights had been violated because the organization had made his affectional preference known to mothers of prospective little brothers; for redress, he wanted Big Brothers to solicit homosexual volunteers by advertising in West-coast gay magazines. Initially upheld by a civil rights department hearing examiner, the claim was thrown out of court by a municipal judge a few days after the TV debate. But Mr. Magnusson had made his point. Here was a clear case in which a single gay-rights militant sought to use the human rights ordinance as a lever to wrench from its mooring a legal system which since time out of mind has afforded special and unique recognition to heterosexual relationships.

Mr. Magnusson also made capital of the fact that the one complaint under active study by St. Paul's hu-

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man rights department concerned a Catholic pastor whose parish school allegedly refused to hire a homosexual applicant. (Rev. Angwin had said he was prompted to launch his campaign by the realization that, under present law, he would not have the right to refuse to hire a homosexual for his church school. His initative included striking from the human rights ordinance words to the effect that students could be denied admission to a school on religious grounds only if "all applicants" were held to the same requirement; the purpose of this change was obscure to everyone, but, being attached to the main proposal, it passed nonetheless).

Quite apart from the question of making religious schools hire teachers whose sexual orientation conflicts with their doctrines (is it really the same as banning discrimination by race?), fears that homosexual teachers might somehow influence their pupils were clearly of great importance in the campaign. Supporters of the ordinance regularly cited the opinions of those psychiatrists (there are of course others of a different view) who believe sexual identity is firmly fixed by age three or four: hence teachers could have no effect on their pupils even if they tried. But gay rights literature is replete with examples of men and women who did not discover a new sexual orientation within themselves until well into maturity. If these accounts be true, there must be some people whose latent homosexual tendencies are subject to influence one way or the other by the prevailing climate of opinion. Is it, then, totally unreasonable to wonder whether teachers known to be gay rights activists might, even unintentionally, have some influence on their pupils? Like so many other elements in this debate, the argument is not necessarily logical, but it is understandable.

The great difficulty with the enlightenment theory of politics is that it focuses more on the intentions of a law or policy than on its (often unintended) effects. Intentions are a matter of logic, and can indeed be rendered more clear by a process of education. But logic is of little help in assessing the likely results of a law, since the dynamic element in political change is most often a factor of psychological momentum.

Momentum is of many kinds. The best reason for opposing Rev. Angwin's initiative was a fear that repeal —whatever the intentions of its backers—might be an invitation for harassment of law-abiding citizens who happen to be homosexual. It seems also that black and Jewish voters were especially dubious about the initiative. While repeal won by as much as four-to-one in some blue collar wards, it was defeated by two-to-one in the liberal Summit-University neighborhood, which contains most of St. Paul's black population; Highland Park, with a large Jewish population, voted for repeal but only by a slender margin. There is no logical connection between striking out the affectional preference clause and discriminating against blacks or Jews. But no one would question the legitimacy of fear about what kind of momentum could be generated by repealing any part of the human rights ordinance.

Thus while there is no logical connection between writing protection for homosexuals into the civil rights law and extending social approval to the gay life style, it is equally true that this argument failed to meet the legitimate fears which gave Rev. Angwin his victory. People voted for repeal not because they wished homosexuals to be persecuted, but because they wished to thwart the aims of the radical gay rights minority riding in the wake of civil rights. This precise point was made over and over again in letters to the editor and, at the most local level, in the bulletin of a large Catholic parish in the Summit-University area, where two parish-council members registered their disagreement with an anti-repeal editorial signed by the pastor and his assistant.

Posed in these terms, the problem admits of no easy solution. If civil rights is a delicate fabric, easily torn, so too is the public trust in our institutions which is the underpinning of all political consensus. But matters can only be made more difficult than they are if liberals persist in the belief that the public need only be "educated" to come round to the proper opinion.

ON THE ROAD

THE SCREEN

The Last Waltz seems as a title, an eccentric, not quite appropriate way to describe a rock concert. Nevertheless, that's what the legendary rock group The Band called their final concert, and director Martin Scorsese follows their lead by giving the same title to their film. It's not just the musical connotations that seem strange in calling the concert a "waltz," but the grandiloquence of it. It suggests a formal occasion whereas the concert itself was, in that way unique to all rock 'n' roll concerts, a slovenly one. It implies that The Band's career came to some dramatic climax, some overwhelming conclusion, when in fact it seems just to have petered out. The implications of the title aside, T.S. Eliot's line about the world's ending "Not with a bang but a whimper" would seem to be as good a lyric as any for this event—and a much better lyric than some of those that actually got sung.

Not that there's no good music in the film. There is—lots of it. When I was a kid, I was always a sucker for those special-edition comic books that offered a jamboree of heroes, the ones where Batman and Superman teamed up with Archie and Veronica and Casper

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the Ghost to fight crime. I assume that Martin Scorsese is the same kind of sucker, for with Eric Clapton, Muddy Waters, Dr. John, et al. sharing the stage with The Band itself, the last concert was very much the same kind of jamboree. There's a sing-along sparked by Bob Dylan at the end of the concert/film, and many performers look ill at ease then. But individually earlier, most of them give us our money's worth. (Joni Mitchell's delivery of a song called "Coyote" is especially fine.) And of course there are all the numbers done by The Band themselves, their greatest songs: "The Night They Drove Old Dixie Down," "Up on Cripple Creek," etc.

Since The Band *is* a legendary group, there is more to the movie than just attending the concert, too. At one time or another they did back up many of the performers at their final concert, so the event is a legitimately sentimental occasion. The Band's own fame came after they played with Bob Dylan on (as I recall) the "Big Pink" album; if rock 'n' roll has left you with any heartstrings that aren't busted, it ought to tug at them now to see Bob Dylan up on a stage with The Band again. Moreover, the interviews in the movie sometimes become a tantalizing commentary on both the group's music and its legend. Part of the legend is that because of pianist Garth Hudson, The Band is that rare rock 'n' roll group which knows something about music, and this seems confirmed by lead guitarist Robbie Robertson's admission that in the early days everyone else payed Hudson ten dollars a week for music lessons, at Hudson's insistence. The real legend of the group came from the mixture of this musical sophistication with their funky, backwoods way of using it and their obscure musical origins. (They came from Canada and were on the road for eight years before making it big eight years ago.) It is therefore also a confirmation of sorts to hear them reminisce. When they say they once backed a one-armed go-go dancer in a Texas joint that had no roof and belonged to Jack Ruby, it's probably true.

But the film only mines this material in a very spotty and half-hearted way. Most of the time Scorsese is an uninspired interviewer, and indeed he seems to use what The Band tells him much the way that rock groups use lyrics in a song—as an oblique, obscure and largely incoherent peek into their private experiences. Adding to this impression is the fact that one of the rooms in which the interviews were done, a kitchen, is lit in the dim and lurid way that the concert stage usually is. In the interview, as in most rock songs, we never know where we are. We have just been plopped down in the middle of some room in the middle of a conversation, so we can only catch bits and pieces of what's going on.

At times the interviews also give us the impression that The Band's leader, Robbie Robertson, is keeping the other members on a leash, much as Floyd in the pit band on *The Muppet Show* keeps the drummer Animal. Robertson, who is present no matter who else is talking, usually does the talking himself, no matter who else is present. Surliness has always been a part of the rock style, and some performers come on purposely as recluses or wild beasts who snarl threateningly from the caves of their selfhood whenever they're approached. Such performers are usually fronted by rock's other universal type, a more presentable, articulate and faintly hermaphroditic star like Robertson. If the other memmers of The Band are letting Robertson speak for them, however, it's a shame. Robertson is charming and likable, but much of what he says is jive. At one point, for instance, he laments how many rock stars have been killed by the grueling life on tour: Janis Joplin, Jimi . . . Elvis Presley? I rather had the impression that what killed Presley off was staying home too much, not being on the road. It was knocking around his huge house at "Graceland" at 2 a.m., having nothing to do, firing his pistols through the walls and generally wigging out.

Robertson is talking about dead rock stars as part of an explanation, which runs throughout the film, of why The Band is packing it in after sixteen years. Like the film's title, Robertson's explanations imply something dramatic, a human process that has to build to some climax finally. It's as if life on the road becomes more and more intense the longer you do it, until you can't take it anymore. So you have to able to force it to a conclusion before that, and quit. But some of the ironic comments that the other Band members sneak into the film suggest another possibility. It may not be their wildness that Robertson is covering so much as their docility. Maybe Hudson and drummer Levon Helm and Richard Manuel aren't talking in this film because after sixteen years, they just haven't got the energy to bullshit anybody anymore. The music, too, suggests that it may be more from boredom than from dread that The Band is retiring. I don't know what they've been doing musically for the last eight years, but almost all the songs they do in this film were recorded originally eight years ago, at the beginning of their success. I don't care how good the women and the money are on the road. If The Band really hasn't had anything new to add in eight years, as the film suggests, it's no wonder they're calling it a day.

COLIN L. WESTERBECK, JR.

TWO INSTITUTES——Global Education Associates of East Orange, N.J., is sponsoring two summer conferences on justice and peace. The first is to be held at Seton Hall July 5-15 (write Dr. Albert Hakim, Seton Hall University, South Orange, N.J. 07079). The second is at Georgetown University in Washington, July 17 through 21, with authors Gerald and Pat Mische and Father Richard McSorley, S.J., conducting the sessions on war and peace and a more human world order.

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DOING POORLY AT DOING GOOD

J. M. CAMERON

We often find ourselves coming back to crumbs of wisdom we once flicked aside. We have of course always noted the big platitudes: Acton on power, "Those to whom evil is done/Do evil in return" (Auden in this case but the sentiment is that of all the wise), "Covenants without the sword are but words," "The best form of defense is attack," and so on; but such platitudes are so large in their scope that it is never quite certain just what in a given situation is recommended or rejected.

Quite different are those memorable but easily repressed remarks that go against what seem the plain imperatives of the hour. David Rothman in his contribution to *Doing Good** sends us back to an essay by the late Lionel Trilling on "Manners, Morals and the Novel," an essay comparable in its penetration and sureness of judgment to his better-known piece on the Kinsey Report. Trilling's point is that in the field of social policy good intentions, especially those sustained by moral passion, ought to be scrutinized with some suspicion and that among the effects of any intervention in the processes of society will be many, and these perhaps the most important, that were not and could not have been foreseen. "Some paradox in our nature leads us, once we have made our fellow men the objects of our enlightened interest, to go on to make them the objects of our pity, then of our wisdom, ultimately of our coercion."

This generalization is applied by David Rothman and his fellow contributors to the drift of American social policy since the New Deal, or even earlier. They are concerned with the actual as distinct from the formal relations between the welfare agencies and all those who are *dependent* upon the public authorities, these latter conceived as standing *in loco parentis*. Among the dependent we find the uncared-for young, the very poor, the irredeemably feckless, the indigent sick, the mad, the old. These are overlapping categories; and there is one, as it were, supercategory, that of the black. Everywhere the accident of skin pigmentation makes the young more defenseless, the poor more fixed in their condition, the sick and the old more cut off from a reasonable share in social life. To this I am tempted to add, as an instance of an unforeseen consequence of a social policy that seemed and still on the whole seems sound, the rise of all the varieties of "Black Consciousness" movements, sad mirror images of the prejudices of white suburbia. ("My dear, they really prefer to be with their own people.")

In all the opulent societies today there are attempts at a reappraisal (of course, not "agonizing"—this would be to fool ourselves with melodrama) of social policies designed to help dependent persons and groups; and the same reappraisers are viewing with a cold eye the way the penal system has developed under the persuasions of the same ideas as those that have influenced the policies of welfare. It seems evident that the policy of giving young criminals indeterminate sentences, to be lifted or continued as social workers may decide, also presupposes a benevolent authority acting as an enlightened parent.

No doubt there is some malicious joy among conservatives who have always been wary of the principles of operation of the welfare state. Free enterprise and the lightest possible public intervention in social policy would, they conjecture, have had better results than the intervention of massive state and federal bureaucracies in matters of health, welfare and crime. Stern sharp punishments swiftly imposed upon those who wantonly harm property and persons would have produced a safer and happier community than the one in which we now live. The decline of authority in state, school, and family is evident; consent to minimum rules of public order is withdrawn by alarmingly large numbers of people in our society, most obviously by many of those between, say, 14 and 25; the ready availability of contraceptives, with abortion as a backup service and sterilization as an option, has injured the family and encouraged the growth, with catastrophic consequences for children, of a new model of marriage, namely, serial monogamy, the contract being easily terminable at the will of either party; male and female homosexuals have some out of their closets and joined the coalition of the rebellious; women's liberation has desacralized the hearth and corrupted the language; and (perhaps one should add) the weather has changed greatly for the worse in recent years.

Much of this is an old story. "I would there were no age between ten and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting . . ."; and the poet who put this complaint into the shepherd's mouth also linked disorder in the state and family with chaos in the heavens. Such were the

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* Willard Gaylin, Ira Glasser, Steven Marcus, and David Rothman, *Doing Good: The Limits of Benevolence*, New York: Pantheon Books, pp. 171, $8.95.

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responses, more stoical in temper and more salted with irony than moral comment in our own day, of an observer at the end of the bloody years of reformation and counter-reformation in England (I don't mean that these are necessarily Shakespeare's own judgments, but that he utters what would have been taken as commonplace by the common man); such, too, were on the whole the comments of the author of *Piers Plowman* in the fourteenth century; and the remarks of Thucydides and Plato on the Athens of the Peloponnesian War and the years that followed it belonged to the same family of observations.

What (of course, among many things) distinguishes our own day from these earlier periods is the strong feeling among reformers that the public authorities dispose of resources that could put an end to many of the gross evils of social life. The sense we may have of deepening chaos comes from our feeling that suffering and disorder are more wanton, less excusable, than they once were, for we surely have within our power the means of remedying them. We are moved by the analogy of the successful cure of bodily ailments: smallpox has vanished, scarlet fever, diphtheria (many young physicians have never seen a case of these diseases); bacterial pneumonia is no longer a killer; and even the great pox and the clap, though their incidence is perhaps more diffused than it was thirty or forty years ago, are tamed if not destroyed. We are moved by this analogy because deep in our tradition is the thought that crime is a social disease, a sign of the pathology of the political body, that the sufferings of the poor are the sufferings of the social organism to which we belong. All our literature, from the Greeks down to the social encyclicals of Leo XIII, urges upon us the propriety of this analogy; and with the reception of the analogy comes the strong belief that where a part of the body is sick or corrupt there must be medicaments and surgical procedures appropriate to the condition in question. There is also the possibility that the social body, like the individual human body, has its own defenses and its own unconscious strategy for meeting attacks; there is always, then, a question whether cutting or a drug is needed or, instead, whatever the equivalent of a good rest in bed may be.

Intervention by the public motivated in part by the social evils, an intervention certainly motivated in part by the received analogy between the human and political bodies, is an old practice, as we see from the history of sumptuary laws, laws against restraint of trade, laws to regulate wages and prices, to stop enclosures, to license or to put down brothels, to regulate the movement of population. . . . What is new about our own day seems to be this. First, the organization of the modern welfare State represents an intellectual counter-movement to an earlier orthodoxy. Some may find it disturbing to recall that most educated people used to believe that, except for such activities as the raising of armies, the carrying of private correspondence, and the supervision of traffic by sea, public intervention in social and economic matters was mischievous. This is brought out by Steven Marcus's poignant account, in *Doing Good*, of the transition in England from the old system of poor relief to the Poor Law established by the Act of 1834, and of the great famine of the 1840s in Ireland. On the whole, though the picture is less black-and-white than Marcus suggests, intervention to relieve the famine was miserably deficient, in part because the common English attitude to Irish matters was disfigured by hatred and contempt, in part because it was believed by the reigning social scientists that public intervention would do harm. Nassau Senior, Marcus reminds us, feared "that the famine . . . would not kill more than a million people, and that would scarcely be enough to do much good."

The second novelty is that we not only live in a period which has consciously rejected, as we suppose for good reasons, the theory and practice of *laissez faire*, but we also live in a time when, through technological change, the public authorities have powers of a kind never known before. Swiftness of communications, the capacity to store information, ingenuity in designing bureaucratic styles of work and large institutions that swiftly acquire strong interests in their own aggrandizement, the use of drugs and electric shock therapy to make the intractable and disturbed docile, these are new, some of them strange consequences of what Max Weber thought of as the application of rationality to the life of society. The continuity from the invention of double-entry bookkeeping to electronic devices for the storage and retrieval of information is clear. Very often this is the repeated contention of *Doing Good*—such achievements, formally directed to tempering the distresses of society, become organizations of social power directed *against* the poor and despised of our society. In Dickens's phrase, noted by Marcus, "we have made a pursuing Fury of the Good Samaritan."

Some of the middle-class rancor aaginst poor and incompetent people comes from that feeling, very deep in all Protestant communities (of course, Catholics may often be infected by it), that worldly prosperity is the sign of divine approval, poverty a punishment for sin. It is a mark of many Protestant sects in the United States, and of the evangelical temper generally, that godliness and profit are believed to go together. It seems to follow from this that in the same way poverty and desert are linked; men are poor, or without work, through their own fault. To the philanthropic impulse is joined a suspicion of those to whom good is being done. Perhaps they are ripping off the system, doing well at the expense of the sober and hard-working, eating junk food and drinking pop in front of color tele-

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vision sets while others scrimp to keep the ten-year old Chevvy rolling and fix their children's teeth. Respectful and grateful poor people are all very well. What, though, of the sturdy rogues, the frightening armies of the undeserving poor? To check these we give the bureaucracies that administer public funds quasi-police powers to catch the cheaters—sudden intrusions upon the suspect household, midnight visits to see if a single mother on welfare has a man in her bed, all the acts of surveillance that snatch away from those whose judgments of themselves are in any case not good the last rags of dignity. Nevertheless, the dilemma of the welfare official is a real one. He is the custodian of the public purse and is accountable for what is taken from it. Our fundamental problem is well put by Steven Marcus: "we can degrade people by caring for them; and we can degrade them by not caring for them; and in matters such as these there are neither simple answers nor simple solutions."

Dr. Willard Gaylin shows us that dependency is a constant feature of human life from the womb to the bed of death. The close relations of early childhood (or, in cases of horrible neglect, their absence), relations above all between mother and child, relations of touching, fondling, speaking and singing, are decisive for the temper of human life in adolescence and adulthood. It is as we learn, or fail to learn, in this primal situation how to care for others that the full sense of the dependency of each upon all and all upon each is grasped, not of course intellectually, or not necessarily so, but in feeling and behavior.

> Caring—that is, the protective, parental, tender aspects of loving —is a part of relationship among peers, child to parent, friend to friend, lover to lover, person to animal. The parent-child aspect of caring is only the essential paradigm whose presence is necessary for the diffusion of this human quality into the other relational aspects of life. The linkages between being cared for and caring for others are crucial to remember.

Dr. Gaylin's treatment's of the family may strike the reader as too sunny, too one-sided. It is after all within the theater of the family that we first try out the roles of Macbeth and Othello and Hamlet. *Lear* is *par excellence* a family drama. We may hope to come through such frightful suffering to the lucid joys, music, the dance, the everlasting spring and never-withering flowers, and the resurrection from the dead, that await us at the end of *The Winter's Tale*, but not easily and certainly not completely on the planet Earth.

Paternalism is not in our time the name of a virtue; and while Dr. Gaylin argues that society is irremediably familial and that it is through our recognition of this that we can come

to wise social policies, the other contributors to *Doing Good* seem to think that the model of the State as family may turn out to be mischievous. In what is certainly the most controversial piece of writing in the book, Ira Glasser's "Prisoners of Benevolence," it is argued that it is safer for those who are the objects of public benevolence to treat whatever authorities they encounter as adversaries who will screw them if they are given the opportunity. Glasser takes as his moral guide, foolishly neglected in the modern period, the Bill of Rights and the Constitution, understood as founded upon the assumption that the primary concern of the wise drafter of laws and of the individual citizen in a free society is to limit the insatiable appetite for power of elected and appointed persons. This has, he argues, been overlooked in the era of welfare; and it is through adversarial postures that he thinks we may humanize our society and increase liberty for the unfortunate. He argues that simply by calling pensions, welfare distribution, education, health care and so on, social *services* we disguise from ourselves the fact that they are as much a part of the machinery of the state as the police and the FBI, the armed forces and the legislatures. This is why the commendable attitude of the recipients of these services is a suspicious vigilance. The force of his case seems to vary a bit fom one social service to another. It is plainly very strong in the case of the aged in nursing homes. It is certain that much goes on that is a disgrace to a civilized community. On the other hand, it isn't clear to me that it is wise, except in cases of extreme abuse, to treat questions of discipline in school and university as matters where confrontation in the courts is an appropriate procedure. Certainly, at the level of the university, the fashion of litigating over matters of discipline, examination marks, and so on, is a sign of the breaking down of the university as a self-governing institution of which the undergraduate body is a part. It isn't surprising that undergraduates should feel themselves members of an external proletariat, and take appropriate action, if the members of the faculty themselves take their position to be that of employees of a large corporation. But here the nature of the university has been forgotten.

The authors of *Doing Good* are rightly concerned—this is the point of the coming together of a psychoanalyst, a lawyer, a scholar learned in imaginative literature and a historian—with principles rather than practice, or with practice only as illustration. There is, however, one matter about which I think they might have had something to say. The drug scene is so pervasive in American social life that public policy in relation to the trade in and the consumption of a great many drugs now illegal is a matter of high importance. Has the time now come when we find ourselves driven to the point of decriminalizing *all* the drugs of addiction now

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legally proscribed—but widely consumed, at the center of a very large amount of violence and robbery, commodities of an infamous trade whose principal agents are rarely caught and punished—has the time now come when we should simply make these drugs available to adults over the counter? This is how the evils that attended Prohibtion were met. Such a reversal of policy would be a return to the *laissez-faire* practice of the nineteenth century, when a number of well-known characters, real and fictional, purchased their supplies of laudanum and cocaine from the corner pharmacy. None of the readers of Conan Doyle thought Sherlock Holmes a degenerate, a corrupter of youth. My guess is that much violence, much organized crime, much police corruption, would vanish with the decriminalizing of drugs and their consumption. If this is right, the consequences for the penal system and the machinery of the social services would indeed be great. Such a policy change ought to commend itself to conservatives; my experience, however, teaches me that while conservatives may be in favor of free trade in handguns and rifles, they blench at the thought of free trade in hashish or cocaine.

A reconsideration of social policy is bound to raise questions about the penal system. I began to read *The Punishment Response** in the expectation that Professor Newman's book would provide at least a useful historical account of the successive and sometimes competing theories and practices of punishment. I cannot commend it. It is badly written (we have "mitigates against" and other solecisms), most of the social anthropology cited is of the armchair kind, Frazer, Durkheim, and others, strange works with such titles as *Curious Punishments* and *Bygone Punishments* are cited as though they were scientific authorities, and the standard of historical scholarship is poor. He tells us that Laud petitioned to be beheaded rather than hanged; and that the petition was denied. In fact, Laud petitioned against hanging, drawing, and quartering; the petition was granted and he was beheaded. Newman tells us: "By 1890 dead babies were still a common sight in the streets and dunghills of London." Pope Innocent IV, we are told, "gave the Inquisitors and their families the power to absolve each other" —this must surely be a missing episode of *The Ingoldsby Legends*, with illustrations by Cruickshank! The reference is to Lea, a perfectly good authority, but Newman has misread him. The most hilarious piece of misinformation is: "during the reign of Henry II Usury was forbidden to Protestants, so the Jews did a roaring business." There was a time when reputable publishers had learned readers a part of whose task it was to check for obvious mistakes. Those who read much contemporary writing will have noticed that many publishers evidently don't employ such readers, either because it is too expensive or perhaps (terrible thought) because such readers can't be had.

* Graeme Newman, *The Punishment Response*, Lippincott, pp. 323, $5.95.

BOOKS

GUILT BY INNUENDO

PHILIPPA STRUM

Perjury: The Hiss-Chambers Case

ALLEN WEINSTEIN

Knopf, $15 [674 pp]

After reading what has been hailed by its publisher as the "monumental and long-awaited book that tells the full story of the Hiss-Chambers case," one still does not know whether Alger Hiss was guilty of perjury. One knows beyond any doubt, however, that Allen Weinstein has not produced a responsible work of scholarship.

The Freedom of Information Act gave Weinstein access to formerly classified FBI, OSS, CIA, State Department, and Justice Department files, and the belief that he planned to exonerate Hiss brought him the cooperation of Hiss, his friends, and his attorneys. The number of documents read and people interviewed by Weinstein is overwhelming. All the more pity, then, that the resultant material has been so badly used.

The accuracy of Weinstein's "facts" cannot possibly be assessed by anyone who has not replicated all of his work. Even if all of his information is correct, however, the conclusions drawn from it range from the highly speculative to the bizarre, and the entire book is therefore rendered suspect. Weinstein's "proof" that Hiss lied is no more than proof by innuendo.

Consider, for example, a key meeting allegedly arranged early in 1937 by Chambers for Hiss and Colonel Boris Bykov, described as the "chief agent for Russian military intelligence in the United States during the late 1930's." There is no evidence other than Chambers's testimony that the meeting ever took place. In order to prove its likelihood, Weinstein recounts a similar meeting Chambers arranged for Julian Wadleigh, who later admitted turning documents over to Chambers. During the alleged Hiss meeting, Weinstein notes, Chambers had to translate from the German, as Bykov "spoke little English." Oddly enough, Wadleigh described Bykov as

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"speaking English 'well' but 'with a distinct Russian accent." In 1938, after he defected, Chambers wrote about Bykov as a Russian "who spoke hardly a word of English." How, then, does Wadleigh's meeting with an English-speaking Russian lend credence to Chambers's account of the Hiss meeting? But there is more, for while Colonel Bykov unquestionably enjoyed the constant possession of two arms, Wadleigh described him as having no right arm. Although Weinstein does not consider this discrepancy sufficient to raise doubts about Chambers's story, he does recognize it as presenting a bit of a problem—especially as William Crane and Maxim Lieber (whose meeting are also introduced to give credence to Chambers's story) agreed that Bykov had both arms. Buried in the footnotes on page 615 is Weinstein's explanation: perhaps "Bykov was attempting a crude disguise to prevent future identification." Why Bykov felt he needed a disguise only before Wadleigh is unexplained, as is the question of why he chose to hide his arm but not his face or his name.

Another point against Hiss is the repeated rumors in Washington that he was involved with the Communists. A peace activist, described by Weinstein as being surprised to hear that her 1946 application for a U.N. post was being held up at Hiss's State Department desk, for she considered him a friend, mentioned the matter to another State official. The official supposedly remarked, "There are some who say Alger is a Communist." Why, if he believed the rumor, did the official later testify as a character witness for Hiss (especially as Weinstein makes no allegation that the official was himself subversive)? When the woman asked Hede Massing, later revealed as a secret agent for the Russians, about Hiss, Massing described her own espionage activities and "mentioned Hiss as being connected with this apparatus." Why a relatively innocent question led a spy to blurt out an incriminating tale of espionage is unexplained. Hiss denied that he had ever met Massing; in fact, he had not even joined the State Department at the time of his alleged meeting with her. Weinstein's reaction to Hiss's denial it to write, "But he was an active participant in . . . an informal group which called itself the Foreign Policy Association." Note the "but;" Weinstein's book is replete with similarly meaningless "buts." The "but" appears even though another member of the FPA, according to Weinstein, was Charles Yost, later President Nixon's Ambassador to the United Nations, and scarcely a likely participant in a subversive organization. One subsequently discovers that Noel Field, the agent in whose apartment Hiss's meeting with Massing supposedly took place, and who was in a Hungarian prison during the Hiss trial, wrote after his release that the meeting had never occurred and that Massing's account was an "outrageous lie" and a "complete untruth." Now one finds a "however" rather a "but": "Field said nothing, however, about the exact nature of his . . . relationship with the Hisses." The "however" remains, although Weinstein acknowledges elsewhere that "the degree of intimacy developed between the Hisses and the Fields remains uncertain." His stated that Field was at some of the meetings of that highly suspicious Foreign Policy Association, and that is apparently enough for Weinstein.

> *How can we explain the link between Chambers and the Hisses, a couple . . . reserved in their private relationships . . .? Whatever personal attraction Chambers may have held for the Hisses, it could not have come from his physical presence: perpetually disheveled, unkempt . . . But Chambers spoke as a representative of world revolution, offering to a select handful of rising New Deal bureaucrats, and at remarkably little cost in time or energy, the fascination of dual lives as romantic conspirators.* —Perjury

A major question is why the fastidious Hiss would have maintained a friendship with the somewhat repulsive Chambers. Weinstein speculates that "Chambers spoke as a representative of world revolution, offering . . . the fascination of dual lives as romantic conspirators. . . . Apparently, for the Hisses, he also offered some respite from the bourgeois super-respectability demanded of them by their backgrounds, their public associations, and their secret ideological commitments." The speculation is unfortunately based on no evidence whatsoever that the Hisses needed respite or found themselves encumbered by the demands of "bourgeois super-respectability." Throughout the book, in fact, they appear as rather contented with their pre-1948 existences.

The "dual life" appears again when Weinstein discusses the Hiss-Field relationship. Field is reported to have turned down "a pivotal post at the State Department's German desk" because he was under pressure to steal documents and was making "an apparent effort to resolve what he himself had called a 'dual life.'" The Hisses and the Fields apparently did see each other before Field fled from the country, and Weinstein says of the meetings. "It seems improbable that the two families became close during the months that both men . . . were evaluating their careers—Field having resigned from State only four months before Hiss joined the Department—without discussing the dilemma that led Field to forsake Washington for Geneva." Why, especially as it is not known with any certainty that the families did become close, is it "improbable" that a spy would withhold from an acquaintance the information that he had committed espionage? (Weinstein portrays a strange world in which all spies but Hiss announced their criminal activities to their friends. The Washington conversational level must have suffered.) The answer is that "the conflict between governmental responsibilities and evolving radical beliefs affected both men." It is unclear how Weinstein knows that Hiss was so affected. Perhaps his evidence lies in the contention that "Field debated these

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contradictions for himself . . . at a time when his friends included Alger Hiss. . . . Hiss's closest associates . . . included Lee Pressman, Nathan Witt, and John Abt [all identified by Weinstein as Communists], all of whom presumably shared Field's dilemma." Professors of philosophy undoubtedly have a name for this kind of illogic.

The book abounds with many other examples of sloppy scholarship, guilt by innuendo, and the utilization of "but" to introduce wholly irrelevant "evidence." As someone who was ten years old when Hiss was tried, this reviewer was looking forward to finding out whether or not he was really guilty. Weinstein's book holds no answer.

Dagger John

RICHARD SHAW

Paulist Press, $10.95 [403 pp]

E. HAROLD SMITH

The subtitle of this book, the Unquiet Life and Times of Archbishop John Hughes of New York (many would say the greatest of its dead Archbishops), is an accurate description of its contents. *Dagger John* is also an American success story—the rise of the immigrant lad of humble birth and meager education who became the leader of the American hierarchy, the friend and confidant of popes and presidents, the recipient of national and international acclaim. This is the first published life of Hughes of any critical worth since Hassard's biography (1866). It is not the definitive life of this churchman. The author explains why he did not attempt such a life. However, it is a well researched study in depth, written in a lively and engaging style. In the last twenty-five years a new approach to church history and ecclesiastical biography has been adopted. No longer do these consist merely of the biographies of popes and bishops or even the bare account of religious developments and changes; church history is now written as primarily the life story of the people of God. Richard Shaw's work reflects this trend.

John Hughes was endowed with intellectual ability of high order, an iron will and driving ambition. Neither friend nor foe, it would seem, ever questioned his rugged integrity. If he had decided to take up the study of law or medicine or enter the diplomatic service, he would have undoubtedly risen to a place of distinction. He was ordained a priest in 1826. In the early years of his priesthood he labored in Philadelphia. He exhibited the same zealous and aggressive qualities that were later to mark his years as bishop and Archbishop of New York. Apparently with no influential patrons either in this country or in Rome, he rose by sheer force of his talents and character.

The Catholics of those years in the United States were a sorely pressed, persecuted group without a leader. They found one in John Hughes. He fought for them (sometimes with them, but no matter) against the nativists, the Know Nothing Party, and the enemies of the church wherever they showed their face. He carried on this warfare in the pulpit, on the public platform, in the press. He was not always victorious nor was he always right. However, he always believed he was.

He had differences with his fellow bishops as well as with his own flock. In the two decades preceding the Civil War, Catholic immigrants by the millions, principally from Ireland and Germany, for the most part poor and uneducated, were pouring into New York. Hughes opened parishes for them when he could, won for them the right to maintain their own schools. Trusteeism, which he judged an internal enemy, he fought and vanquished. Communities of religious women were invited and welcomed to his Archdiocese. In schools, hospitals and orphanages, these dedicated women did yeoman service. They also furnished, though unwittingly, one of the most effective ecumenical tools the church of those years possessed, so deeply respected and esteemed were they by their non-Catholic fellow citizens. Fordham College and St. Joseph's Seminary in Troy were both begun by New York's first Archbishop.

Hughes was not an ecumenist born out of due time. At times he could be unfair and even despotic. His knowledge of the Negro's background was inadequate, to say the least, and he apparently had no deep sympathy with the black man's plight in this country. By temperament and conviction he was an authoritarian of the first water, giving unswerving obedience to those placed over him, demanding the same from those under him. Yet, beneath a stern exterior beat a heart of feeling and compassion. He was not the last authoritarian to shepherd a large American see. Some of his later counterparts, however, seem not to have possessed some of Hughes's strengths. It would be difficult, e.g., to conceive of William Cardinal O'Connell writing the moving and effective letter that Hughes wrote to Abraham Lincoln in behalf of the fifteen-year-old lad from St. Mary's, Emmitsburg, who was being held in federal custody. The letter won him his freedom but, alas unwittingly, paved the way for his death in the Confederate ranks when he was just sixteen. Nor can one imagine Dennis Cardinal Dougherty with sufficient influence to pacify the workers involved in the industrial uprisings in Pennsylvania in the 1930's, as Hughes had the draft rioters in 1863. This citizen and churchman of the nineteenth century has eminently earned the right to be judged in the light of the time and circumstances in which he lived and not by the standards of a later day.

Some of Hughes's contemporaries who appear in this biography are almost as interesting as himself. Consider James Gordon Bennett, founder and long-time editor of the prestigious *New York Herald*. Their origins were practically identical—the difference between a North of Ireland and Scotch-born Catholic was the difference between Tweedledum and Tweedledee. They were life-long foes. Hughes ignored (i.e., publicly) Bennett's existence; the latter never missed the frequent opportunities afforded him to attack the Archbishop in print. To be

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sure, organized religion, the churches in general, and their official representatives had no more caustic critic in those years than the same Bennett. When Hughes died, however, the *Herald*'s editor wrote: (Hughes) "stood as the champion of that Church and the Champion of its people by whom he was so greatly admired. In his death, the Church in America has lost its best friend . . . the country one of its purest patriots." With foes like Bennett what need had the Archbishop of friends, at least after death?

It may be of interest to note here that this distinguished editor lived almost his entire life on the fringes of that church he never completely abandoned. He had been plagued by religious doubts even as a teen-aged junior seminarian wandering on the banks of his native Dee. However, some weeks before his death, while still in full possession of his faculties, the doubts lifted; the full force of a profound truth had come home to him: "intellect has nothing more to do with faith really than jewels have to do with a beautiful woman." He sent for Archbishop McCloskey and received the last sacraments from his hands. James Gordon Bennett would die in the faith of his and John Hughes's baptism.

New York's first Archbishop died in the first days of 1864. The walls of St. Patrick's Cathedral, of which he laid the cornerstone in 1858, were only one story high, the project that engaged his best thought and energy in the last months of his life, the provincial seminary at Troy for the education of priests, would not open its doors until the fall of that year, the fate of his beloved though adopted country still hung in the balance. John Hughes did not depart from this world, however, a frustrated or disappointed man. He was not a tragic figure in life nor will history ever record him as one. His life has never ceased to fascinate serious students of American Church history. In the late 1940's Francis J. Haas (bishop of Grand Rapids, 1943-1953) had just finished reading Hassard's account. In discussing that book with this reviewer, he emphasized that he was deeply impressed by the fact that Hughes's entire life almost from birth was filled with turmoil and conflict. His achievements and victories were the fruit of hard-fought battles. Bishop Haas insisted on just one thing: "Don't tell me he didn't enjoy it all." The same life story now set forth in *Dagger John* also would seem to indicate that he probably did.

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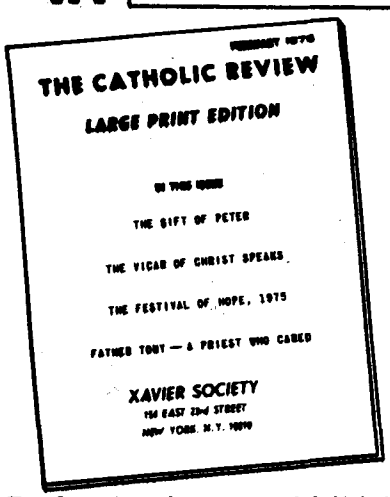
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Anne Sexton: A Self-Portrait in Letters

EDITED BY LINDA GRAY SEXTON AND LOIS AMES

Houghton Mifflin, $15 [433 pp]

Sylvia Plath: The Woman and the Work

EDITED BY EDWARD BUTSCHER

Dodd, Mead, $8.95 [242 pp]

NANCY YANES-HOFFMAN

There is a Chinese curse, "May you live in interesting times." The times of both Anne Sexton and Sylvia Plath were "interesting," if neurosis, self-flagellation, pain, an emotional roller-coaster, may be described as "interesting." "A Glamour of Fatality hangs over the name of Sylvia Plath," says Irving Howe, in his "Partial Dissent," one of the few clear-eyed, hardheaded essays in Edward Butscher's collection, *Sylvia Plath: The Woman and The Work.* The same "Glamour of Fatality" hangs over Anne Sexton's head, when *Ms. Magazine* has the *chutzpah* to write, "Anne Sexton's life has been defined by her suicide." Sexton's and Plath's importance to the literary world must begin and end with their poetry, not with their suicidal obsessions, which finally lead them both to their self-made gas chambers.

Friends discussing their poetry over too many martinis in Boston's Ritz bar, New Englanders, compulsive letter-writers whose letters hide more than they reveal as their poems do not, Sexton and Plath have been apotheosized by an adoring feminist cult—for *all* the wrong reasons. For suffering, for anguish, for the appetite voracious for reassurance, for the coward's (who lives in us all) fear of the future. Both "confessional poets," influenced by Robert Lowell and John Berryman, they never thought to ask, "Why live?" (as Sexton wrote in her poem about Plath's suicide, "Sylvia's Death.") Both wrote of their recurrent suicide attempts, both affected Nazi imagery for husbands and fathers, more loved and more hated than their "lovers," those other men who came and went in their lives, as in Plath's masochistic fantasy:

Every woman adores a Fascist,
The boot in the face, the brute
Brute heart of a brute like you.

Butscher's collection by such notables as Richard Wilbur, Dorothea Krook, Marjorie Perloff, Joyce Carol Oates contributes something to our understanding of Plath, the woman, adds little to our comprehension of the cultural death-wish which has elevated Plath (and by extension, Sexton) beyond the realm of minor poets. The essayists try, but they, like their subject, somehow fall short. Only Howe's commonsense dissent, itself too brief as though he felt Plath's poetry was not worth any intense scrutiny, grasps Plath's talents—and her limitations.

Linda Sexton's edition of her mother's letters, with its carefully-guarded interleaved biographical material, is an embarrassment, a testa-

COMMONWEAL PAPERS No. 6

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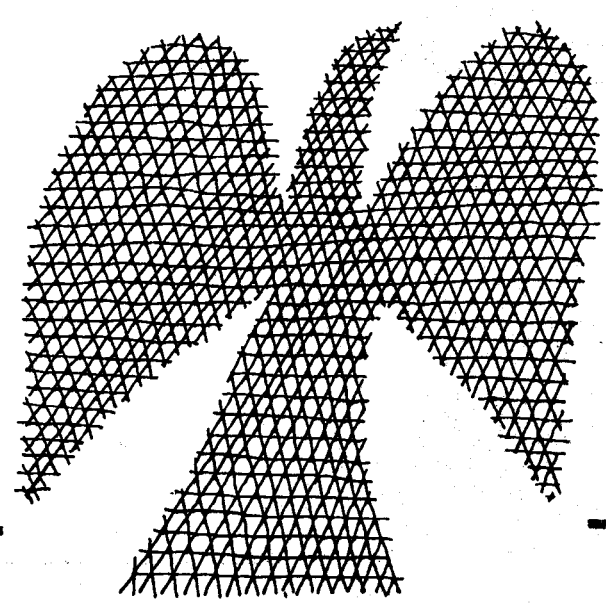

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ment of a daughter's love-hate for her mother's success, her mother's affairs, her mother's abandonment. The biographical material never touches on the Sexton divorce (an understandable omission for a daughter but not for the reader), the bitter acrimony of 45 MERCY STREET, Sexton's relationships with her lovers, although *Love Poems* is probably Sexton's best work. Again understandably—but infuriatingly, Linda can only comment about Brian Sweeney, the flamboyant Australian millionaire, to whom Anne wrote so seductively: "their flirtation was to remain platonic."

A packrat, as though hoarding life's detritus rather than celebrating life's rare moments of *tendresse*, savoring its scarce seconds of synchrony with another's spirit, Sexton saved carbons of all her letters, postcards, snapshots, flowers. Most of the correspondence culled from 50,000 scraps of a life disintegrated extends our knowledge of Sexton's poetry not one iota. Prickly, romantic, irascible, dependent, kind, obsequious, imperious, subservient, Sexton must have been impossible to live with, just as her ghost seems unbearable for her daughter to live with. Editing these letters seems Linda Sexton's effort at exorcising her mother's incubus. That done, the letters themselves should have been burned or left in a moldy trunk. For picking at the bare bones of a dead poet's emotional carcass is an affront—to the poet, her work, her readers—and denies whatever meaning through poetry that she could extract from her life.

Indeed, the most poignant letter from our 20/20 hindsight is one written to a student at McLean Hospital, a private mental institution: "Poetry led me by the hand out of madness. I am hoping I can show others that route." Poetry did not hold Sexton's hand—nor Plath's—long enough, nor steadily enough, to keep her alive. But it is for the few good early poems, the *Love Poems, Live or Die*, perhaps *All My Pretty Ones*, that the poetry of Anne Sexton will live, not because of any chaotic correspondence depicting the war to the death between "the good Anne" and "the bad Anne."

Plath and Sexton are both minor poets, because their voices remained fragile and fragmentary, self-deprecating and precious, because they never connected with the fearsome structure of existence. As Keats put it so well, "Ay, in the very temple of Delight/ Veil'd Melancholy has her sovran shrine." Sexton and Plath are steeped in the melancholy, but their poetry has no sense of the temple of Delight.

CORRESPONDENCE

(*Continued from page 419*)

de of Luke 2:6 is "And it came to pass"? It is not in the King James Version, that final arbiter of right Bible English. It is not in the RSV, not in the Jerusalem Bible, not in the New English Bible, not in the Good News Bible. Where it is, that it could be "done away with" by the "hardened will to mar and deface" for which the NAB translators are notorious, is in the old Challoner-Rheims Version (unfortunately in this instance left uncorrected by the Confraternity revision of 1941). But the Challoner-Rheims is in the first place not a translation of the Greek anyway, and in the second place in view of its successive transmogrifications at the hands of editors innocent of the biblical languages represents only somebody's idea of the quaint sort of language the good old Bible is supposed to speak. "The clear and solemn note struck by Luke in his introduction, the storyteller's portentous pause has been eliminated as surplusage." Sheer blather. The stereotyped *egeneto de* is the equivalent of a speaker's clearing his throat at the beginning of a new sentence.

"No room in the inn." And now no inn, either, with all the warm thoughts evoked by inns at Christmas time. Instead, "there was no room for them in the place where travelers lodge." Dr. Noonan is immediately put in mind of an American motel-chain; but surely even a traveler of little experience must associate with "inn"—if he really tries—a series of wayside hostelries every bit as commonplace and international to boot. The Jews had inns, Noonan insists, since "they are referred to as early as Jeremias 9:11." The reference is to Jeremiah 9:1 (Hebrew) or 9:2 (Vulgate), where Jerome translated *melon orchim* as *diversorium viatorum*. Dr. Noonan is a good Latinist. Would he not agree that "a place where travelers lodge" is about the best one could do with *diversorium viatorum?* Jeremiah's Hebrew expression occurs also in Genesis 42:27, 43:21, Exodus 4:24, Joshua 4:3 and 4:8. I invite Dr. Noonan to try out "inn" in these contexts to see how often it will fit.

Translations of the Bible are never perfect. They need continual revision and therefore constructive criticism. The controversy between St. Augustine and St. Jerome over (of all things!) the latter's translation of the "gourd" of Jonah 4:6 as "ivy" has become proverbial. Jerome, as it happens, was probably wrong in his translation. He needed correction, but not by Augustine, who was certainly wrong in most of his presuppositions. The Lectionary needs revision, there seems to be no doubt. Dr. Noonan has been helpful in pointing out some of its real shortcomings. Mixing in the merely querulous and captious to elicit snickers from the gallery is helpful to no one, least of all to the hearers of the word.

(REV.) BRUCE VAWTER, C.M.

Reply

Father Vawter believes that we are stuck with the New American Bible for our Lectionary. Most people would prefer the Revised Standard Version, already published in Lectionary form by the Liturgical Press, if it is beyond the "resources" of American Catholicism to supply a better text. Most people would refer to the "resources" as "scholars" and like to know their names. Jerome did not debate his translation behind the disguise of a committee.

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The specific instances Father Vawter has chosen to challenge are suggestive of his standards. He thinks it "sheer blather" to call attention to the importance of an introductory pause. He thinks Jerome's *diversorium viatorum* could "best" be rendered as "a place where travellers lodge." Without specification he thinks certain points of mine are "querulous" and "captious." If this is the best defense to be made for the Lectionary, let it go at once.

JOHN T. NOONAN, JR.

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Abigail McCarthy (con't)

as institution, sacrament and community on the other, the way in which the laity is empowered matters a great deal. There is the possibility of a lay religion developing in which groups which minister to each other without clergy direction or assistance—a common phenomenon among charismatics —will tend to reject the organized church completely. Protestant churchmen have long been aware that people who are "born again" as the result of the crusades of one evangelist or another do not necessarily return to, or join, an organized church. It has been a source of concern to priests and bishops that Catholic charismatics often do not join in parish life or other lay organizations, but prefer their own prayer groups for support and community.

On the other hand, clergy of all churches do not seem to have a clear idea of what it is to be lay. Howard Butt, the businessman and lay leader behind the Congress of the Laity, put it succinctly: "Laymen are asking themselves, 'Do I have a calling as authentic and clear as a clergyman's call?' Many are answering, 'Yes!' " But the Congress of the Laity did not quite get to the clarification of that calling.

In the Catholic Church there has been a strange regression in regard to the laity, a regression which was dramatically explored in A Chicago Declaration of Christian Concern (cf. *Commonweal*, 2/17/78). Dale Francis summed it up in *The Sunday Visitor* in commenting on the Declaration:

> The laity has been called to take over priestly roles. Some are ordained into the diaconate and so leave the laity. There is talk of ministries being recognized officially for lectors, catechists and music directors, the list of proposed ministries extends on endlessly. . . .
>
> While the laity is being called to do or supplement the work of the priest, it is priests who have moved into the role that properly belongs to the laity . . . the role that the Constitution on the Church said the laity holds by "special vocation," that of "engaging in temporal affairs and ordering them to the plan of God" . . . "to work for the sanctification of the world from within as a leaven."

The consultation of lay organizations never quite got to discussion of, or clarification of, this vocation of the laity either. The great virtue of both congress and consultation was that they *happened*: that avenues of communication were opened and tested, and structures considered. (In the case of the Catholic consultation, the joy of many of the lay representatives at the opportunity to talk with bishops was touching.)

A careful examination of the discussion and techniques of these two meetings, it seems to me, is needed to find sound ground for future meetings.

Correction

In the article "Religion, Psychology and the Sterile Self" by John N. Kotre in the May 12 *Commonweal*, a typographical error resulted in the garbling of a key point.

Page 295, paragraph two, read, ". . . on certain qualities psychoanalyst Erik Erikson has labeled 'generosity' . . ." Erikson never spoke of generosity; the word should have been *generativity*.

Fundraiser/ Program Developer

"Fundraiser/Program Developer required by the Gray Panthers, (Age and Youth in Action) a national volunteer network seeking radical social change and the elimination of discrimination based on chronological age. The Gray Panthers are not a "senior citizens" pressure group. Maggie Kuhn is the founder and national convener.

"The person sought must have fundraising experience and is needed to secure funds from foundations, corporations, government sources, private individuals, etc. Full-time position with a minimum commitment of two years. Salary $14K to $18K. Please send letter with resume to Edith Giese, Interim Executive Director, The Gray Panthers, 3700 Chestnut St., Philadelphia, Pa. 19104."

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The first issue of Rosebud magazine, a Christian-oriented quarterly, is now available at P.O. Box 352, Circle Pines, Minnesota, is now available. Subscription $5 a year. Membership $15. Prisoners may obtain free of charge.

Marmadeep Island

Near Madras a health center and community hall are under construction on a primitive island where everything has to be delivered by boat. In prospect are a road, sanitary drinking water facilities and improved farming techniques. All this stems from a social welfare center which ministers to 600 poor families so far. Donations for the S.J. KATHIVAKKAM SOCIAL WELFARE CENTRE, ENMORE MADRAS 600057 SOUTH INDIA may be sent to Salesian Missions, 148 Main St. New Rochelle, N.Y. 10801.

Married Priests

CORPUS—National Association Resigned/Married priests and friends—Box 2647, Chicago 60690.

Dignity

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